

ORDINANCE NO. 723

AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, AMENDING THE PLANNED AREA DEVELOPMENT ZONING DISTRICT. (PAD ZONING DISTRICT)

WHEREAS, the Town's Unified Development Code currently contains a Planned Area Development Overlay District; and

WHEREAS, the Town desires to eliminate the Planned Area Development Overlay District and replace it with a Planned Area Development District; and

WHEREAS, on July 9, 2007, the Planning and Zoning Commission held a public hearing on the proposed amendment of the Planned Area Development District and made recommendation to the Town Council; and

WHEREAS, the Town of Payson has found that the adoption of this Ordinance Number 723 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 Sections 15-02-001 and 15-02-007 of chapter 154 (The Unified Development Code) of the Code of the Town of Payson were declared to be a public record by Resolution 2299; and

WHEREAS, it is the desire of the Mayor and Common Council to amend the Code of the Town of Payson by amending Sections 15-02-001 and 15-02-007 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 amended Sections 15-02-001 and 15-02-007 of Chapter 154 (The Unified Development Code) of the Code of the Town of Payson set forth in Resolution 2299 were 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 723.

Section 2. That at least three copies of the amended Sections 15-02-001 and 15-02-007 of chapter 154 (The Unified Development Code) of the Code of the Town of Payson, as adopted by this Ordinance Number 723 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 3. All properties having PAD Overlay Zoning as of the date of this Ordinance 723 shall remain subject to the conditions and restrictions of such PAD Overlay Zoning.
- Section 4. All ordinances and parts of ordinances in conflict with the provisions of this Ordinance Number 723 are hereby repealed to the extent of such conflict.
- Section 5. If any section, subsection, sentence, clause, phrase or portion of this Ordinance Number 723 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 723. The Mayor and Common Council of the Town of Payson declares that it would have adopted this Ordinance Number 723 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:

APPROVED AS TO FORM:

Silvia Smith, Town Clerk

Samuel I. Streichman, Town Attorney

A. PURPOSE.

The Planned Area Development (PAD) zoning district is intended to provide an alternative to the conventional zoning and development processes in the Town of Payson (Town) in order to achieve the following purposes:

1. To ensure orderly planning and review procedures that will result in superior design, with variety in architectural and site design using techniques including, but not limited to, variations in building styles, setbacks, lot arrangements, and site planning;
2. To promote economical, innovative, and efficient land use, with emphasis on utilizing existing infrastructure, improving amenities, with appropriate and harmonious variety, creative design, and sensitivity to the surrounding land uses and the natural environment;
3. To provide for a zoning district that encompasses a broad range of land uses including, but not limited to single-family and multi-family residential, professional and administrative offices, retail, service, hotel and resort, light industrial or employment, recreational, and any public or semi public use or combination of uses through the adoption of a PAD Plan which sets forth land-use relationships, development standards, and goals consistent with the Payson General Plan;
4. To encourage a more creative approach to land utilization by creating efficient, aesthetic, and desirable developments, which may be characterized by incorporating special features of the geography, topography, size, uses, or shape of a particular property into its site planning;
5. To permit flexibility in design standards so that a PAD produces a choice in the type of environment, living units, commercial installations, and other facilities available to the public while maximizing efficient, aesthetic, and desirable use of open space;
6. To promote a unique yet compatible development that is in harmony with the surrounding land uses and the goals of the Payson General Plan; and
7. To provide a device for averaging residential density over an entire parcel and placing ~~no~~ less restrictions on lot size or dwelling types, as long as the total density does not exceed the maximum approved in the PAD Plan.

B. APPLICATION AND PROCEDURES.

1. Pre-application

The developer is required to meet with appropriate Town staff in a pre-application meeting prior to making application for a PAD to discuss the development concept, the review and approval process, and the submittal requirements. The applicant is

also required to present the concept to the Development Services Committee prior to formal application.

2. Application

- a. The developer shall complete the necessary application forms from the Community Development Department and submit the required filing fee, along with fifteen (15) copies of the PAD Plan and narrative report.
- b. The PAD application and PAD Plan shall include the following as well as a narrative report:
 - (1) Proposed name of development;
 - (2) Name, address, and telephone number of property owner and applicant;
 - (3) Legal description of the PAD area;
 - (4) Context exhibit showing adjacent land uses and special site conditions;
 - (5) A conceptual development plan for the PAD area; and
 - (6) Description of the proposed land use areas and the development standards for each use and/or parcel within the PAD including:
 - a) Proposed dwelling unit type, total land area, and maximum density of residential use areas;
 - b) Proposed uses other than residential, total land area, and maximum square footages/floor area ratios associated with commercial/ industrial uses;
 - c) A preliminary parcel data table;
 - d) Proposed public streetscape and open space improvements and their relationships to the overall development;
 - e) Building heights, minimum lot areas, setbacks, and all other development standards;
 - f) A conceptual description of architectural theme, colors, and exterior building materials proposed for use in the PAD;
 - g) A conceptual description of the landscaping treatment, plant materials, fences, walls, and other open space improvements;
 - h) Proposed location of arterial, collector, or local streets, whether public or private, within a preliminary master circulation plan;
 - i) Proposed location and use of all lands proposed to be dedicated for public purposes including parks, stormwater retention areas, and school sites; and
 - j) Preliminary master water, sewer, and drainage reports.
- c. The narrative report shall include the following:

- (1) A description of the objectives to be achieved by the development concept, including, but not limited to:
 - a) The manner in which the proposed PAD Plan meets or exceeds the intent of the PAD District;
 - b) The proposed overall design rationale, as well as architectural and site design concepts, including style, colors, type of materials, and rationale for placement of structures to maximize views and take advantage of the natural characteristics of the PAD site;
 - c) Specific concepts by which the proposed PAD Plan will make an orderly transition from existing or planned adjacent development including varied setbacks and façade treatment, open space elements, screening of parking areas, and landscaping of the public or private open spaces and recreational facilities; and
 - d) A discussion of visual, traffic, and drainage impacts and compatibility with surrounding land uses and consistency with the General Plan.
- (2) A statement describing the terms and conditions under which the PAD would be developed and maintained subsequent to development. Such statement shall include any conditions, performance standards, and other reasonable restrictions as may be necessary to insure the development and maintenance of the property in accordance with the approved PAD Plan.
- (3) Design criteria for the PAD including all development standards.
- (4) Phasing Plan.

3. Review Process

- a. Staff will circulate the PAD Plan and narrative report to the Town departments and any other agency that may be affected by or have comments to the application.
- b. Staff will schedule a Development Services Meeting in which the PAD Plan and narrative report shall be evaluated and discussed. Representatives from each Town department and/or reviewing agency shall be invited to participate in the meeting, including the developer and their representatives.
- c. At the Development Services Meeting, the developer shall receive input as to staff recommendations, compliance with the intent of the PAD Ordinance, and/or apparent constraints prior to the finalization of submittal materials required as part of the PAD Review.
- d. Within ~~fourteen (14)~~ twenty-one (21) days following the Development Services Meeting, the developer shall be apprised if Staff will require additional studies, or broadened scope of studies, beyond those enumerated in the PAD Plan application requirements, such as a Multi-modal Circulation Plan, Drainage Concept Plan, Soils Report, Traffic Impact Analysis, or any other studies that the Town staff

determines is reasonably necessary for the review and approval of the proposed PAD.

- e. Upon receipt of the comments, the Community Development Department shall compile the comments and respond to the developer or agents in writing in a reasonable time period as to how the proposed PAD relates to the following:
 - (1) Conformance to the General Plan;
 - (2) Suitability of the PAD for development and constraints or stipulations; and
 - (3) Preliminary list of improvements and major dedications required by the Town.
- f. The developer shall conduct a neighborhood meeting for citizen review and participation in accordance with the provisions of Section 15-09 of this code prior to the public hearing before the Planning and Zoning Commission.

C. GENERAL REQUIREMENTS AND STANDARDS.

1. The land uses and design of the proposed PAD shall be consistent with the General Plan.
2. Submittal of a PAD Plan is required as part of the PAD approval process. All PAD rezoning applications are subject to the provisions of Section 15-09 of this code, with the exception of subsection 15-09-008 A.3., which shall be replaced with the requirement for the submission of a PAD Plan . All PADs are subject to the provisions of subdivision regulations, building height regulations, home occupation regulations, street improvement requirements, design review regulations as they may apply to commercial, industrial, and multi-family development and other applicable regulations.
3. The approved PAD and PAD Plan, not the prior underlying zoning district, shall determine uses within the PAD. Each PAD shall be limited by the approved PAD Plan to a maximum number of dwelling units and/or gross commercial/industrial square footage or floor area ratio.
4. Residential development in a PAD may provide for a variety of housing types and permitted uses. Parcel densities within the PAD may be flexible as long as the maximum number of dwelling units for the entire PAD established by the PAD Plan is not exceeded.
5. Commercial development in a PAD may provide for a variety of commercial and/or industrial/employment uses. The total square footage or floor area ratio for commercial/industrial uses may be flexible from parcel to parcel within the maximum allowable number of square feet or floor area ratio of commercial/industrial usage for the entire PAD as established by the PAD Plan.
6. Other sections of the Unified Development Code shall apply for any general development standards not specifically a part of the PAD approval.

D. PERMITTED USES.

1. All uses designated on the approved PAD Plan together with permitted accessory uses.
2. Uses Subject to a Conditional Use Permit designated on the approved PAD Plan.

E. PROPERTY DEVELOPMENT STANDARDS.

The following development standards shall apply to all development and construction permitted within a PAD.

1. There is no minimum size for a proposed PAD site. The size of a PAD will be reviewed in the context of the property's location and surrounding uses.
2. Minimum building setbacks from all boundary property lines which form the perimeter of the PAD shall be equal to the abutting Town zoning district, or when abutting a County zoning district as established by the approved PAD Plan.
3. Land uses on the perimeter of the PAD shall be designed and developed to be compatible with and complementary to the existing and planned development reflected on the General Plan in the immediate vicinity of the proposed PAD.
4. ~~There shall be no~~ Minimum lot size requirements for individual lots or dwelling units shall be as approved in the PAD Plan.
5. Required open space:
 - a. Open space shall not be less than 20 percent of the gross acreage of the parcels within the PAD proposed for residential development excluding public and private road rights-of-way. Open space shall not be less than 10 percent of the gross acreage and 10 percent of the area designated for parking of the parcels within the PAD proposed for commercial or industrial development excluding public and private road rights-of-way. Open space requirements may be reduced if off-setting community open space benefits are demonstrated and approved in the PAD Plan. Specific parcel allocations of open space may be required as part of the 20 percent and 10 percent overall requirements.
 - b. Open space shall be conceptually depicted on the PAD Plan as:
 - (1) Dedicated municipal use, public park, and school sites;
 - (2) Bike paths, equestrian, and/ or hiking trails;
 - (3) Public or private park and recreation areas;
 - (4) Floodway or floodplain areas;

- (5) Retention basins required to comply with the Town drainage requirements shall be counted as open space when improved or landscaped to be a cohesive and integral element of the overall landscape plan;
 - (6) Development site enhancements, including landscaped areas, plazas, and courtyards.
 - c. Required open space shall not include any of the following:
 - (1) Dedicated streets, alleys and other public rights-of-way, except that all landscaping within rights-of-way shall be included;
 - (2) Vehicular driveways, parking, loading, and storage areas;
 - (3) Reservation of municipal use, public park, or school sites which the governmental entity shall be required to purchase; only if such sites are dedicated shall they constitute open space as defined above;
 - (4) Concrete or rock lined areas designed primarily as a drainage channel; and
 - (5) Private yards within residential areas of a PAD.
 6. Building heights, setbacks, and separations shall be reviewed and approved based upon compatibility with adjacent land uses, the placement of buildings within the parcel, and conformance with building codes and fire safety requirements.
 7. A PAD which includes only one housing type, such as all detached or all attached units, or one type of commercial use, shall not be considered inconsistent with the stated purposes and objectives of this section and shall not be the sole basis for denial or approval of the PAD.
 8. Parking, landscaping, lighting, and signage standards shall meet the requirements of the applicable sections of this code unless otherwise approved as part of the MDP design criteria.
 9. Circulation, General
 - a. The arrangement, character, extent, grade, width, and location of all roadways, streets, bike paths, or trails shall conform to applicable Town standards, unless adjusted for specific topographical or developmental conditions in accordance with a traffic engineering study approved as part of the PAD Plan.
 - b. Where such is not shown on the General Plan, adopted transportation plan, specific area plan or preliminary plans, the arrangement of streets, bike paths, and trails shall provide continuation or appropriate projection of existing streets, bike paths and trails in surrounding areas. Streets, bike paths, and trails shall be designed to make the best use of the land features and open space requirements of this Section, in addition to meeting public safety issues.

- c. Each parcel design shall provide for adequate traffic circulation that incorporates the adopted Town street functional classification system to handle the projected traffic volumes on the streets.
 - d. The minimum width of right-of-way, measured from lot line to lot line, shall be as established in the PAD Plan. Proposed streets shall extend or project existing streets at their same or greater width, but not at a width less than prescribed by established standards, unless it can be demonstrated that a narrower street will serve the function of efficient site planning and convenience for the residents/occupants and still satisfy public safety issues.
10. ~~Colors, Materials, Architectural Style, and Appearance~~
The Design Review process is required for approved PAD Plans.
~~a. The Design Review process is required for approval of the layout and design of buildings and structures within the proposed PAD.~~
11. The PAD narrative report shall identify the ownership and maintenance responsibilities for common areas and landscaping within rights-of-way and shall provide for a homeowners association, a maintenance improvements district, or other mechanism to assure long-term maintenance of common areas and rights-of-way, if needed (as appropriate).

F. PHASING OF DEVELOPMENT.

- 1. A PAD plan may be constructed in phases and the PAD narrative shall specify the phases of development, locations and timing of on-site and off-site improvements for each phase, as well as, an estimated range of time for beginning and completion of each phase. Each phase must comply with all provisions of this Section or as otherwise approved in the phasing plan of the approved PAD Plan.
- 2. Requests for modifications to the phasing plan approved as part of the PAD Plan shall be subject to Community Development Director's approval with a right of appeal to the Town Council.
- 3. The applicant may enter into a development agreement with the Town providing for the timing, sizing, and funding of phased infrastructure improvements required for the PAD or may use any alternative mechanism acceptable to the Town.

G. OPERATING AND MAINTENANCE REQUIREMENTS FOR PLANNED AREA DEVELOPMENT.

- 1. In the event that certain land areas or structures are provided within the PAD for private recreational use or as service facilities, the owner of such land and buildings shall establish an arrangement to assure a continued standard of maintenance consistent with the conditions of PAD approval.
- 2. All utility lines, except electric utility lines 69KV or larger, shall be installed underground.

3. Development within a PAD shall conform to all conditions and standards of PAD approval. The PAD applies to the subject property and change in ownership or successors in interest does not constitute a change in agreed upon standards and requirements.

H. PLANNING AND ZONING COMMISSION REVIEW AND HEARING.

1. The application shall be filed, reviewed, noticed, and processed in accordance with Section 15-09 of this code.
2. Upon receipt of a complete PAD application, Staff shall prepare a report and package for the Planning and Zoning Commission.
3. The Planning and Zoning Commission shall review the PAD Plan, Staff report, related maps, reports, and data, as well as, conduct a public hearing, which may include the staff report and presentation, a presentation and question and answer session with the developer and/or their representatives, and public comment.
4. In considering applications for a PAD approval, the Commission may consider sound land use planning principles and the following:
 - a. Conformance to the General Plan;
 - b. The impact of the PAD on the existing and anticipated traffic and parking conditions;
 - c. The adequacy of the PAD Plan and narrative report with respect to proposed land uses and development standards;
 - d. Pedestrian and vehicular ingress and egress, including handicapped accessibility;
 - e. Design criteria;
 - f. Conceptual landscaping proposal;
 - g. Provisions for utilities;
 - h. Site drainage and grading;
 - i. Open space and/or public land dedications; and
 - j. Non-motorized circulation.
 - k. Any other items the Commission deems necessary.
5. The Commission shall consider any information related to the PAD application it considers relevant. This may include but is not limited to oral and/or written statements from the developer and their representatives, the public, Town staff, and

its own members. The Commission may question the developer and approve, disapprove, carry over the discussion, request additional information, and/or recommend stipulations of PAD approval.

6. If the Commission determines that the proposed PAD ~~will not be detrimental to~~ is in compliance with the health, safety, ~~or~~ and welfare of the community, and is in harmony with the purposes and intent of ~~this code~~ the Unified Development Code, and the General Plan, the Commission may recommend to the Town Council by motion that the PAD be approved. The recommendation may include any conditions and stipulations determined to be reasonably necessary for implementation of the PAD.

I. TOWN COUNCIL CONSIDERATION AND HEARING.

1. The Town Council, following the report and recommendation of the Planning and Zoning Commission, shall consider the PAD request. The request shall be processed and considered as set forth in Section 15-09 of this code.
2. In its deliberations on the PAD, the Council shall consider oral and/or written statements from the developer, their representatives, Town staff, the public, and its own members. The Council's review shall encompass the same spectrum of considerations as did that of the Planning and Zoning Commission. The Town Council may approve, deny, carry over the request, or impose conditions and stipulations on the PAD approval. Approvals shall be for a specific development site, not a particular developer.

J. BUILDING PERMIT ISSUANCE.

No building permit will be issued for any portion of a PAD that has not received Design Review approval as required and that has not provided required financial assurances or dedications for such portion of the PAD.

K. METHOD FOR WITHDRAWING AN APPLICATION FOR PAD APPROVAL.

Any application for a PAD may be withdrawn by the applicant in writing at any time prior to approval by the Town Council.

L. AMENDMENTS TO PAD APPROVAL.

1. A request for an amendment to an approved PAD shall be processed as either a minor amendment or major amendment.
2. An application for a PAD amendment will be routed for review by all affected Town departments or agencies and upon receipt of review comments, the Community Development Director will determine whether the requested change meets any one of the following criteria for a major amendment:
 - a. ~~An increase in the total number of dwelling units of more than 5 percent above the original approval;~~ Any increase in the total number of dwelling units;

b. ~~An increase in the gross leasable square feet or floor area ratio within a PAD of more than 10 percent above the original approval; Any increase in the non-residential square footage;~~

e. ~~A reconfiguration in land use designation boundaries and/or parcel sizes that increases or decreases the size of any land use designation boundaries and/or parcel sizes by more than 20 percent; and~~

d. ~~c.~~ Any other change which could have a significant impact on areas adjoining the PAD, including a significant traffic impact on roadways adjacent or external to the PAD.

3. All major amendments to a PAD shall be reviewed and approved by the Planning and Zoning Commission and Town Council following the same procedure as prescribed for the original approval.

4. Any PAD Amendment application, ~~including a rearrangement of parcels within a PAD~~ that does not meet any of the above criteria shall be processed as a minor amendment. A minor amendment shall be reviewed by all affected Town departments and agencies and may be administratively approved by the Community Development Director.

M. DENIAL OF PAD REQUEST.

If an application for a PAD is denied, the Community Development Director shall have the authority to refuse to accept a new application for a PAD on the same site, or a portion of the site, within ~~ninety~~ one-hundred eighty (180) days after the date of denial.