RESOLUTION NO. 2359

A RESOLUTION OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, AMENDING SECTION 15-09-004 OF CHAPTER 154 (THE UNIFIED DEVELOPMENT CODE) OF THE CODE OF THE TOWN OF PAYSON, AND DECLARING SUCH AMENDMENT TO BE A PUBLIC RECORD. (CONDITIONAL USE PERMIT)

WHEREAS, the Code of the Town of Payson was declared to be a public record by Resolution Number 1536 of the Town of Payson; and

WHEREAS, the Code of the Town of Payson was adopted as a public record by Ordinance Number 588 of the Town of Payson; and

WHEREAS, it is the intention of the Town of Payson to amend Section 15-09-004 of Chapter 154 (the Unified Development Code) of the Code of the Town of Payson related to Conditional Use Permits; and

WHEREAS, such amendment may be enacted by reference, pursuant to A.R.S. § 9-802,

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

Section 1. Section 15-09-004 of Chapter 154 of the Code of the Town of Payson is hereby amended, is declared to be a public record, and amended shall read as set forth in Exhibit A attached hereto.

Section 2. If any section, subsection, sentence, clause, phrase or portion of Resolution Number 2359 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 Resolution Number 2359 The Town Council of Payson declares that it would have adopted Resolution Number 2359 and each section, subsection, sentence, clause, phrase, or portion thereof, irrespective of the fact that any one (1) or more sections, subsections, sentences, clauses, phrases, or portions may be declared invalid or unconstitutional.

PASSED AND ADOPTED BY THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON this _____ day of _____, 2008, by the following vote:

AYES _____ NOES _____ ABSTENTIONS _____ ABSENT _____

_____

F. Robert Edwards, Mayor

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ATTEST:

Silvia Smith, Town Clerk

APPROVED AS TO FORM:

Samuel I. Streichman, Town Attorney

Exhibit A to Resolution 2359

15-09-004 Conditional Use Permit

A. Purpose and Intent

Every zoning district contains certain buildings, structures, and uses of land that are normal and complementary to allowed uses in the district, but are often incompatible with adjacent activities and uses by reason of their typical physical or operational characteristics, influence on the traffic function of adjoining streets, or similar conditions.

It is the intent of this section to permit Conditional Uses in appropriate zoning districts, but only in specific locations within such districts that can be designed and developed in a manner which assures maximum compatibility with adjoining uses.

It is the purpose of this section to establish principles and procedures essential to proper guidance and control of such uses. Conditional uses shall be compatible with land uses permitted in a zoning district, and may require the imposition of specific conditions. Only uses which are authorized as conditional in Section 15-12 of this Code may be approved as conditional uses. Each proposed conditional use shall be evaluated by the Commission for compliance with the standards and conditions set forth in this section and for each zoning district.

B. Application and Review Process

1. An application for a Conditional Use Permit shall be submitted along with the required number of development plans to the Community Development Director on forms provided by the Town with all the supporting applicable requirements of Sections 15-09-008 and 15-09-009.
2. Each application shall be reviewed by the Community Development Director in conjunction with other appropriate Town Departments. The Director shall forward a staff report and recommendation to the Commission.
3. The Commission shall hold a public hearing on the application for the Conditional Use Permit. Within 30 days of the public hearing unless additional time is necessary, the Commission shall approve with or without conditions, or disapprove the application and shall forward its decision to the applicant in writing.

C. Standards of Review

To ensure that the proposed use will be compatible with the surrounding area, to ensure the provision of the appropriate off-site improvements and that any modification of the development plan imposed by the Commission will be complied with, a Conditional Use Permit shall be issued only when the Commission finds that the applicant has adequately addressed the following:

1. Access and traffic; pedestrian, bicycle and vehicular circulation
2. Noise, light, visual, litter and other pollutants
3. Buffering provisions
4. Impact on public utilities
5. Signage and outdoor lighting
6. Compliance with the General Plan
7. Dedication and development of streets adjoining the property
8. Impact on historical/archeological or natural sites
9. Impact on the native vegetation and ecological character of the site
10. Water and air pollution, such as fill, dust, and smoke
11. Any other factors necessary to assure that the proposed use is compatible and not detrimental to the surrounding land uses.

D. Decision, Effect, Appeal

1. Decision. The Commission may disapprove or approve with conditions an application for a Conditional Use Permit. The conditions may include, but are not limited to:
   a. Limitations on size, bulk and location of structures
   b. Requirements for additional landscaping or buffering
   c. Provisions for adequate ingress and egress
   d. Duration of the permit
   e. Hours of operation
   f. Time limits on the issuance of a certificate of occupancy. An extension may be granted by the Commission and shall be valid for a maximum of six months.
   g. Mitigation of any adverse environmental impacts
   h. Any other condition(s) that further the General Plan or policies adopted by the Town Council
2. Effect of Approval
   a. Issuance of a permit for a Conditional Use shall apply only to the particular use and site plan for which it is issued, and such approval shall be deemed to run with the land. The applicant shall be required to follow the provisions of this section for any additional applicable permits prior to proceeding with development or implementation of additional uses for subject property.

b. All such conditions and approvals shall be binding on the applicant(s), their successors and assigns. The applicant shall also be required to sign the Conditional Use Permit, have it notarized and recorded by the Town in the office of the Gila County Recorder.

3. Appeals. Any person aggrieved by a decision of the Commission to approve or disapprove a Conditional Use Permit may file a letter of appeal to the Town Council within 30 calendar days of the decision. If a decision of the Commission on a Conditional Use Permit is appealed, the Town Council shall conduct a public hearing as soon as is reasonably practical in accordance with provisions of Section 15-09-009. The Town Council may reverse, affirm or modify the decision of the Commission following the conclusion of the public hearing.

E. Compliance Review

The Community Development Director shall review all Conditional Use Permits and report to the Commission if the conditions of the permit have not been met. If the conditions have not been met the Commission shall notify the permit holder and shall set the matter of revocation for a public hearing. If at the conclusion of the public hearing the Commission finds that the conditions have not been met the Conditional Use Permit may be modified or revoked.