

SUMMARY OF AGENDA ITEM

DATE: May 15, 2008

TO: Mayor and Council

FROM: Ray Erlandsen
Zoning Administrator

THROUGH: Jerry Owen
Community Development Director

SUBJECT: Ordinance 737, Resolution 2372
Proposed Addition of "Fences" to the Unified Development Code (UDC)

PURPOSE:

Historically, requirements for fences were included in the original Zoning Code of Payson. When the Unified Development Code (UDC) was adopted in 1996, these fence requirements were inadvertently left out. This request would update and re-establish development standards for fences in the current UDC.

SUMMARY:

On December 13, 2007, the Council held the First Reading of Ordinance 730 and Resolution 2346 – Fences and requested staff make revisions and bring the ordinance and resolution back to Council. In order to maintain a current numbering sequence, new ordinance and resolution numbers have been assigned - Ordinance #737 and Resolution #2372.

Since the May 1, 2008 meeting, staff has made additional modifications to the Ordinance and Resolution as requested by Town Council using bold type for additions and strike outs for deletions. In addition, Exhibit 1 was modified and Exhibit 3 created to better describe the requirements.

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ORDINANCE NO. 737

AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, ADDING SECTION 15-03-006 AND AMENDING SECTIONS 15-03-002 AND 15-11-002 OF CHAPTER 154 (THE UNIFIED DEVELOPMENT CODE) OF THE CODE OF THE TOWN OF PAYSON. (REGULATING FENCES)

WHEREAS, the Town of Payson desires to regulate the type and placement of fences to assure safety on its roadways and to protect the public's health and safety; and

WHEREAS, the Town additionally desires to regulate the type and placement of fences to maintain the aesthetic quality of the Town and to maintain and increase property values of the citizens of the Town,

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

- Section 1. That Section 15-03-006 (Fences) and the amendment to Section 15-11-002 of Chapter 154 (the Unified Development Code) of the Code of the Town of Payson set forth in Resolution 2372 were heretofore declared to be a public record by such Resolution, and that Section 15-03-006 (Fences) and the amendment to Section 15-11-002 are hereby referred to and adopted by this reference as though all the provisions thereof were set forth in full in this Ordinance Number 737.
- Section 2. That at least three copies of Section 15-03-006 (Fences) and the amendment to Section 15-11-002 of Chapter 154, as adopted by this Ordinance Number 737 shall be filed in the Office of the Clerk of the Town of Payson and the same shall be maintained and kept available for public use and inspection.
- Section 3. All references to the number eight (8) in Section 15-03-002(C)(1) of Chapter 154 (the Unified Development Code) of the Code of the Town of Payson are hereby amended to the number six (6).
- Section 4. Section 15-03-002(C)(4) of Chapter 154 (the Unified Development Code) of the Code of the Town of Payson is hereby deleted.
- Section 5. Section 15-03-002(E)(1) 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:

No walls, shrubs, plant materials, or other obstruction to view in excess of three feet in height shall be placed ~~on any corner lot or at any driveway intersecting a street,~~ within a "sight clearance triangle" ~~formed by two curb, roadway or driveway lines;~~ except that trees pruned

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high enough to permit vision to automobile drivers will be allowed.

Section 6. All ordinances and parts of ordinances in conflict with the provisions of this Ordinance Number 737 are hereby repealed to the extent of such conflict.

Section 7. If any section, subsection, sentence, clause, phrase or portion of this Ordinance Number 737 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 737. The Mayor and Common Council of the Town of Payson declares that it would have adopted this Ordinance Number 737 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 _____, 2008, 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