

LEGAL DEPARTMENT
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MEMORANDUM
September 4, 2008

TO: Mayor and Common Council

FROM: Legal Department

SUBJECT: Ordinance 746 and Resolution 2410 (Design Review Standards and Procedures Amendments)

The Council held a public hearing and first reading on Ordinance 746 on August 7, 2008. Ordinance 746 and the accompanying Resolution amend the Town's Design Review Standards and Procedures and declare the Ponderosa Pine to be the Town's official tree.

Prior to bringing Ordinance 746 back for section reading, several changes, based on comments made at the August 7th meeting, have been made. The changes are detailed below:

1. The designation of the Ponderosa Pine as the Town's official tree will be placed in a separate Resolution.
2. In Part IIIA two changes have been made.

First, Section 3(a) has been added to clarify that the Design Review Board will continue to review all applications except 'minor changes.'

Second, Section 4 has been added placing a 15 day limit on the review time to assure expeditious review.

(See attached redline/strikeout of page 10)

3. Industrially zoned areas have been removed from design review. See attached redline/strikeout of page 15.

The above changes have been incorporated into the versions of Ordinance 746 and Resolution 2410 on the agenda.

If you have any questions, please feel free to call or stop by our office.

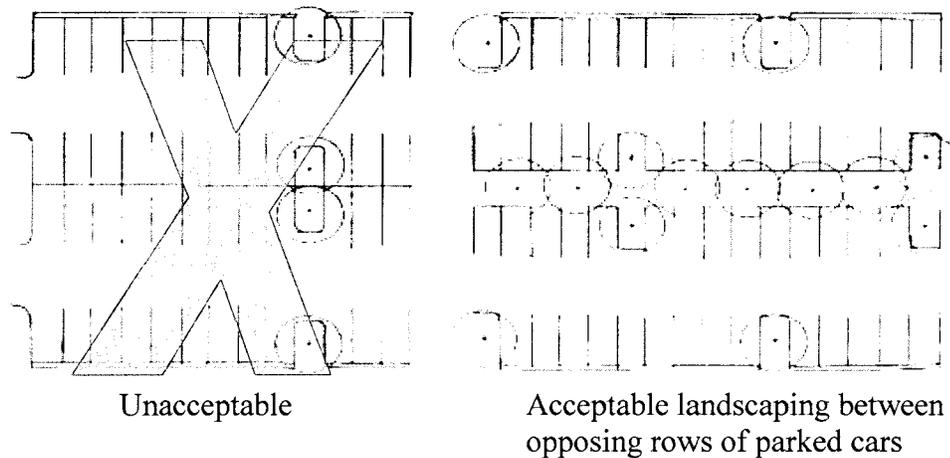
SEP 04 2008 G.5

PART III

A. Application Procedure

1. Applications for Design Review consideration of any project shall be made on the forms provided by the Community Development Department.
2. All applicants shall arrange a pre-application conference with the Community Development Director or his/her designee prior to the submittal of a Design Review Application Packet.
3.
 - a. The Design Review Board shall review all Design Review applications except minor changes.
 - b. Minor changes shall be reviewed by the Community Development Director or his/her designee.
 - c. Minor changes shall mean any of the following:
 - i. All resurfacing of existing vertical structures
 - ii. All signs that are otherwise in compliance with this Code
 - iii. A building or vertical structure that (1) is an addition or accessory structure to an existing building and does not exceed the lesser of 25% of the existing building floor area or five thousand (5,000) square feet and (2) is complimentary with surrounding properties as well as the existing building.
 - iv. An addition or accessory structure that does not substantially or detrimentally alter the appearance of the site as seen from off-site.
 - v. Additions or expansions of a site, where no vertical structure is involved.
4. All Design Review applications shall be approved or denied within fifteen (15) calendar days from the date of a complete submittal, unless the applicant requests an extension.
- ~~4.~~ 5. A design review application shall not be approved unless the applicant demonstrates the following:
 - a. Consistency with the purpose & intent, vision & goals, and principles of the Design Review Overlay District; and
 - b. Compliance with the Development Standards set forth in 15-02-014, PART IV.
- ~~5.~~ 6. The Design Review Board or Community Development Director, on a case by case basis, may make exceptions to the development standards set forth in 15-02-014, PART IV to eliminate or mitigate legal nonconforming buildings, signs or other structures or features of the site.
- ~~6.~~ 7. Design Review approval, unless otherwise specified in approval conditions, shall be valid for a period not to exceed 18 months from date of approval.

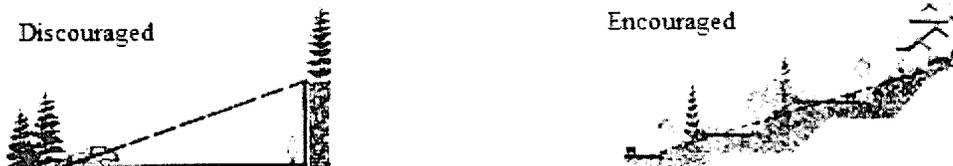
- a. Planted islands large enough to accommodate trees and low shrubs shall be located at the ends of parking rows, and between opposing rows of parked cars.



- b. Landscape islands within parking areas shall be arranged to protect in place significant native trees over six (6) inches in diameter. Where groves of native trees need to be cleared for parking areas, trees shall be retained within the setback areas of the site and within landscape islands at various locations in the interior of the parking areas.

2. Topography

- a. The topography of the existing site shall be strongly considered in the design of the proposed project. Extensive cutting and/or filling is discouraged. The intended result at completion is for a “natural” looking improvement.



- B. Multifamily Residential Development – The provisions of section A above shall govern.**
- C. Industrial Districts – ~~The provisions of section A above shall govern.~~ (Reserved for future use)**
- D. Green Valley Redevelopment Area - The provisions of section 15-02-013F shall govern all properties located within the GVRA Design Review Area as defined by Exhibit # 3 of that section per Ordinance # 645.**
- E. Government Properties and Buildings, Public Utilities – The provisions of section A above shall govern.**

ORDINANCE NO. 746

AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, AMENDING THE TOWN'S DESIGN REVIEW GUIDELINES AND PROCEDURES

WHEREAS, on April 19, 2007, the Council approved Ordinance 713 creating the Town's Design Review Board ("the Board"); and

WHEREAS, the Board was charged with reviewing the Town's Design Review Guidelines ("Guidelines") and to make recommendations for changes, amendments, deletions, or additions to the Guidelines; and

WHEREAS, the Board, since its inception has reviewed the Guidelines and on July 8, 2008 voted to recommend amendments to the Guidelines; and

WHEREAS, on July 14, 2008, the Planning and Zoning Commission held a Public Hearing on the recommended amendments to the Guidelines and following such Public Hearing recommended approval; and

WHEREAS, on August 7, 2008, The Payson Town Council conducted a public hearing on the proposed amendments to the Guidelines; and

WHEREAS, the Town finds that the amendments to the Guidelines will provide clarity, streamline the review process, and provide consistency to applicants; and

WHEREAS, the Town finds that maintaining the aesthetic quality of the Town increases property values, increases tourism and creates financial benefits for the Town's property owners; and

WHEREAS, the Town finds that the Guidelines are necessary to regulate, maintain, and promote the aesthetic quality of the Town; and

WHEREAS, amendments to Sections 15-02-013(F) and 15-02-014 of Chapter 154 (The Unified Development Code) of the Code of the Town of Payson were declared to be a public record by Resolution 2410; and

WHEREAS, it is the desire of the Mayor and Common Council to amend the Code of the Town of Payson by amending Sections 15-02-013(F) and 15-02-14 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 the amendment to Section 15-02-014 (Design Review Overlay District) of Chapter 154 (the Unified Development Code) of the Code of the Town of Payson set forth in Resolution 2410 was heretofore declared to be a public record by such Resolution, and that the amendment to Section 15-02-014 is hereby referred to and adopted by this reference as though all the provisions thereof were set forth in full in this Ordinance Number 746.
- Section 2. That at least three copies of the amendment to Section 15-02-014 of Chapter 154, as adopted by this Ordinance Number 746 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. That the amendment to Section 15-02-013(F) (Design Review in Green Valley Redevelopment Area) of Chapter 154 (the Unified Development Code) of the Code of the Town of Payson set forth in Resolution 2410 was heretofore declared to be a public record by such Resolution, and that the amendment to Section 15-02-013(F) is hereby referred to and adopted by this reference as though all the provisions thereof were set forth in full in this Ordinance Number 746.
- Section 4. That at least three copies of the amendment to Section 15-02-013(F) of Chapter 154, as adopted by this Ordinance Number 746 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 5. That Section 15-02-003(B)(7) (Design Review Standards) of Chapter 154 (the Unified Development Code) of the Code of the Town of Payson is hereby deleted.
- Section 6. All ordinances and parts of ordinances in conflict with the provisions of this Ordinance Number 746 are hereby repealed to the extent of such conflict.
- Section 7. If any section, subsection, sentence, clause, phrase or portion of this Ordinance Number 746 is held for any reason including, but not limited to the voter approved Private Property Rights Protection Act of 2006, to be invalid or unconstitutional by the decision of any court of competent jurisdiction, the Mayor and Common Council of the Town of Payson declare that the provision or provisions of the Unified Development Code as they existed on the date of approval of this Ordinance amended by such section, subsection, sentence, clause, phrase or portion shall be in effect.

**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 _____

Kenny J. Evans, Mayor

ATTEST:

APPROVED AS TO FORM:

Silvia Smith, Town Clerk

Samuel I. Streichman, Town Attorney