

**SUMMARY OF AGENDA ITEM**

**DATE:** December 11, 2008  
**TO:** Mayor and Council  
**FROM:** Ray Erlandsen  
Zoning Administrator  
**SUBJECT:** Ordinance 751  
Proposed Amendment to the Unified Development Code (UDC)  
Section 15-09-005, Temporary Use Permit

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**PURPOSE:**

Amend the Unified Development Code (UDC) to allow application and permit fees for Temporary Use Permits to be paid according to the schedule adopted by Council.

**SUMMARY:**

On September 18, 2008, the Town Council directed staff to prepare a code amendment implementing a sliding fee schedule for temporary use permits (TUP's) in an effort to capture transaction privilege tax (sales tax) that was not being paid to the Town. Recently, staff learned that the prevalent practice is for retailers to offer their goods for display and actually conduct the sale in their respective home city/town, thus the Town of Payson is not receiving any tax revenue.

In order to facilitate the implementation of these fees, staff is recommending the addition of Section 15-09-005(B)(5), as shown in the Ordinance. The Planning and Zoning Commission recommended approval to the Town Council of this proposed amendment on November 10, 2008, on a 6-0 vote.

DEC 11 2008 G.10 1<sup>st</sup> Reading and Public Hearings

**ORDINANCE NO. 751**

**AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, ADDING SECTION 15-09-005(B)(5) TO CHAPTER 154 (THE UNIFIED DEVELOPMENT CODE) OF THE CODE OF THE TOWN OF PAYSON. (TEMPORARY USE PERMIT FEES)**

**WHEREAS**, the Town of Payson's zoning code allows for Temporary Uses in various zoning districts; and

**WHEREAS**, the Town desires to change the fees for Temporary Use Permits,

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

Section 1. That Section 15-09-005(B)(5) of Chapter 154 (the Unified Development Code) of the Code of the Town of Payson is hereby added and as added shall read as follow:

*Section 15-09-005(B)(5)*

The applicant shall submit the application fee (non-refundable) along with the application. If the temporary use permit is approved, the applicant shall pay the appropriate permit fee according to the fee schedule, as adopted by the Town Council, prior to the dates of the temporary use permit.

Section 2. The Town Council hereby adopts the fee schedule, attached hereto as Exhibit A and made a part hereof by this reference, pursuant to Section 15-09-005(B)(5) of the Unified Development Code. Such fee schedule may be amended from time to time by resolution of the Town Council.

Section 3. All ordinances and parts of ordinances in conflict with the provisions of this Ordinance Number 751 are hereby repealed to the extent of such conflict.

**PASSED AND ADOPTED BY THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON** this \_\_\_\_ day of \_\_\_\_\_, 2009, by the following vote:

AYES \_\_\_\_\_ NOES \_\_\_\_\_ ABSTENTIONS \_\_\_\_\_ ABSENT \_\_\_\_\_

\_\_\_\_\_  
Kenny J. Evans, Mayor

ATTEST:

APPROVED AS TO FORM:

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Silvia Smith, Town Clerk

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Samuel I. Streichman, Town Attorney

# Exhibit A to Ordinance 751

## TEMPORARY USE PERMIT

### FEE SCHEDULE

I. Application Fee (Non-refundable) \$50.00

II. Permit Fee Schedule

<u>Average Retail Price of Items To Be Sold</u>	<u>Fee</u>
\$0 – 100	\$50.00
\$101 – 500	\$100.00
\$501 – 750	\$250.00
\$751 – 1500	\$500.00
\$1501 – 2500	\$750.00
\$2501 – 5000	\$1000.00
\$5001 – 7500	\$1500.00
\$7501 – 10,000	\$2000.00
\$10,000 – 25,000	\$2500.00
\$25,001 – 50,000	\$5000.00
\$50,000 – 75,000	\$7500.00
\$75,001 – 100,000	\$10,000.00
\$100,001 – 250,000	\$25,000.00
\$250,001 – 500,000	\$50,000.00
\$500,001 – 750,000	\$75,000.00
\$750,001 – 1,000,000	\$100,000.00
\$1,000,000 – Up	10% of Average Sales Price per Item

- Note:
- (1) The amount of the application fee shall be credited to the Temporary Use Permit fee.
  - (2) Any business that can provide evidence of sales tax paid to the Town of Payson within the preceding 24 months, may deduct that amount from the permit fee.
  - (3) Any sales tax paid to the Town and not applied to the current temporary use permit fee may be deducted from future temporary use permit fees.