

ORDINANCE NO. 769

AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, AMENDING THE TOWN'S DESIGN REVIEW GUIDELINES BY REPEALING THE GREEN VALLEY REDEVELOPMENT AREA GUIDELINES AND ADOPTING HISTORIC MAIN STREET DESIGN REVIEW GUIDELINES. (MAIN STREET DESIGN REVIEW)

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 and making recommendations for changes, amendments, deletions, or additions thereto; and

WHEREAS, in late 2008, the Board recommended changes to the Town's Commercial District Design Review Guidelines and such changes were adopted by the Town Council in December of 2008; and

WHEREAS, during 2009, the Board has been reviewing the Green Valley Redevelopment Area Design Review Guidelines and, after meetings and collaboration with the Green Valley Redevelopment Area Commission, has voted to recommend that (1) the name of the area subject to the Guidelines be called the Historic Main Street Design Review Area, (2) the area subject to the Guidelines be changed, and (3) certain amendments to the Guidelines be adopted; and

WHEREAS, on July 13, 2008, the Planning and Zoning Commission held a Public Hearing on the recommended amendments to the Green Valley Redevelopment Area (now the Historic Main Street) Design Review Guidelines ("the Guidelines") and following such Public Hearing recommended approval; and

WHEREAS, on August 6, 2009, The Payson Town Council conducted a public hearing on the proposed amendments to the Guidelines; and

WHEREAS, the Town finds that maintaining the aesthetic quality of property within the Historic Main Street area increases property values, increases tourism and creates financial benefits for the property owners within the Historic Main Street area; and

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

WHEREAS, amendments to Section 15-02-014, Part III (A) and Part IV (D) of Chapter 154 (The Unified Development Code) of the Code of the Town of Payson were declared to be a public record by Resolution 2502; and

FIRST READING & PUBLIC HEARING AUG 06 2009 G.6
Second Reading Public Hearing AUG 20 2009 G.10. B

WHEREAS, it is the desire of the Mayor and Common Council to amend the Code of the Town of Payson by amending Section 15-02-014, Part III (A) and Part IV (D) 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, Part IV (D) (Design Review - Historic "Main Street" Payson) of Chapter 154 (the Unified Development Code) of the Code of the Town of Payson set forth in Resolution 2502 was heretofore declared to be a public record by such Resolution, and that the amendment to Section 15-02-014, Part IV (D) is hereby referred to and adopted by this reference as though all the provisions thereof were set forth in full in this Ordinance Number 769.
- Section 2. That at least three copies of the amendment to Section 15-02-014, Part IV (D) of Chapter 154, as adopted by this Ordinance Number 769 shall be filed in the Office of the Clerk of the Town of Payson and shall be maintained and kept available for public use and inspection.
- Section 3. That Section 15-02-013(F) (Design Review - Green Valley Redevelopment Area) of Chapter 154 (the Unified Development Code) of the Code of the Town of Payson, is hereby deleted.
- Section 4. That the amendment to Section 15-02-014, Part III (A) (Design Review - Application Procedure) of Chapter 154 (the Unified Development Code) of the Code of the Town of Payson set forth in Resolution 2502 was heretofore declared to be a public record by such Resolution, and that the amendment to Section 15-02-014, Part III (A) is hereby referred to and adopted by this reference as though all the provisions thereof were set forth in full in this Ordinance Number 769.
- Section 5. That at least three copies of the amendment to Section 15-02-014, Part III (A) of Chapter 154, as adopted by this Ordinance Number 769 shall be filed in the Office of the Clerk of the Town of Payson and shall be maintained and kept available for public use and inspection.
- Section 6. All ordinances and parts of ordinances in conflict with the provisions of this Ordinance Number 769 are hereby repealed to the extent of such conflict.
- Section 7. If any section, subsection, sentence, clause, phrase or portion of this Ordinance Number 769 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 relating to such section, subsection, sentence, clause, phrase or

portion predating the adoption of this Ordinance shall be in effect.

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:

Silvia Smith, Town Clerk

Samuel I. Streichman, Town Attorney