ORDINANCE NO. 781

AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, AMENDING PROVISIONS OF THE TOWN'S UNIFIED DEVELOPMENT CODE RELATING TO FLAG LOTS AND THE REQUIRED WIDTH OF THE POLE PORTION OF SUCH LOTS.

WHEREAS, the Town of Payson regulates the dimensions of lots within the Town; and

WHEREAS, on March 1, 2010, Charles and Nancy Spurlock made application (P10-003) for a zoning code text amendment related to the dimensions of flag lots ("the Application"); and

WHEREAS, on April 12, 2010, the Planning and Zoning Commission held a Public Hearing on the Application and following such Public Hearing recommended denial of the Application; and

WHEREAS, on May 20, 2010, the Payson Town Council conducted a Public Hearing on the Application; and

WHEREAS, amendments to the Unified Development Code relating to the dimensions of flag lots, including the dimensions of the pole portion of such lots were declared to be a public record by Resolution 2550; and

WHEREAS, it is the desire of the Mayor and Common Council to amend the Code of the Town of Payson by amending the Unified Development Code 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 amendments to the Unified Development Code (relating to the dimensions of flag lots) set forth in Resolution 2550 were heretofore declared to be a public record by such Resolution, and that such amendments are hereby referred to and adopted by this reference as though all the provisions thereof were set forth in full in this Ordinance Number 781.

Section 2. That at least three copies of the amendments to the Unified Development Code (relating to the dimensions of flag lots), as adopted by this Ordinance Number 781, 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. All ordinances and parts of ordinances in conflict with the provisions of this Ordinance Number 781 are hereby repealed to the extent of such conflict.

Section 4. If any section, subsection, sentence, clause, phrase or portion of this Ordinance Number 781 is for any reason including, but not limited to the voter approved Private Property Rights Protection Act of 2006, held 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 20th day of May, 2010, by the following vote:

AYES _____ NOES _____ ABSTENTIONS _____ ABSENT _____

_____
Kenny J. Evans, Mayor

ATTEST:

_____
Silvia Smith, Town Clerk

APPROVED AS TO FORM:

_____
Samuel I. Streichman, Town Attorney

SUMMARY OF AGENDA ITEM

DATE: May 6, 2010

TO: Mayor and Council

FROM: Ray Erlandsen
Acting Community Development Director

SUBJECT: **Flag Lot Pole Width – Ordinance 781, Resolution 2550**

PURPOSE:
The applicants, Charles P. and Nancy J. Spurlock, property owners of 1205 N. McLane Road; are requesting an amendment to the following provisions contained in Section 15-02-004, Residential District Uses, of the Unified Development Code (UDC):

CURRENT: *Section 15-02-004 (D) note (2):*

> *"For cul-de-sac and flag lots, the minimum width of the lot, at the street frontage, shall be 35' and the minimum lot width shall be obtained at the center point of the lot. For flag lots the front line is the line opposite the rear property line."*

SUMMARY:
Through this amendment, the applicants, as well as other property owners within the Town of Payson, would have the potential to divide their property.

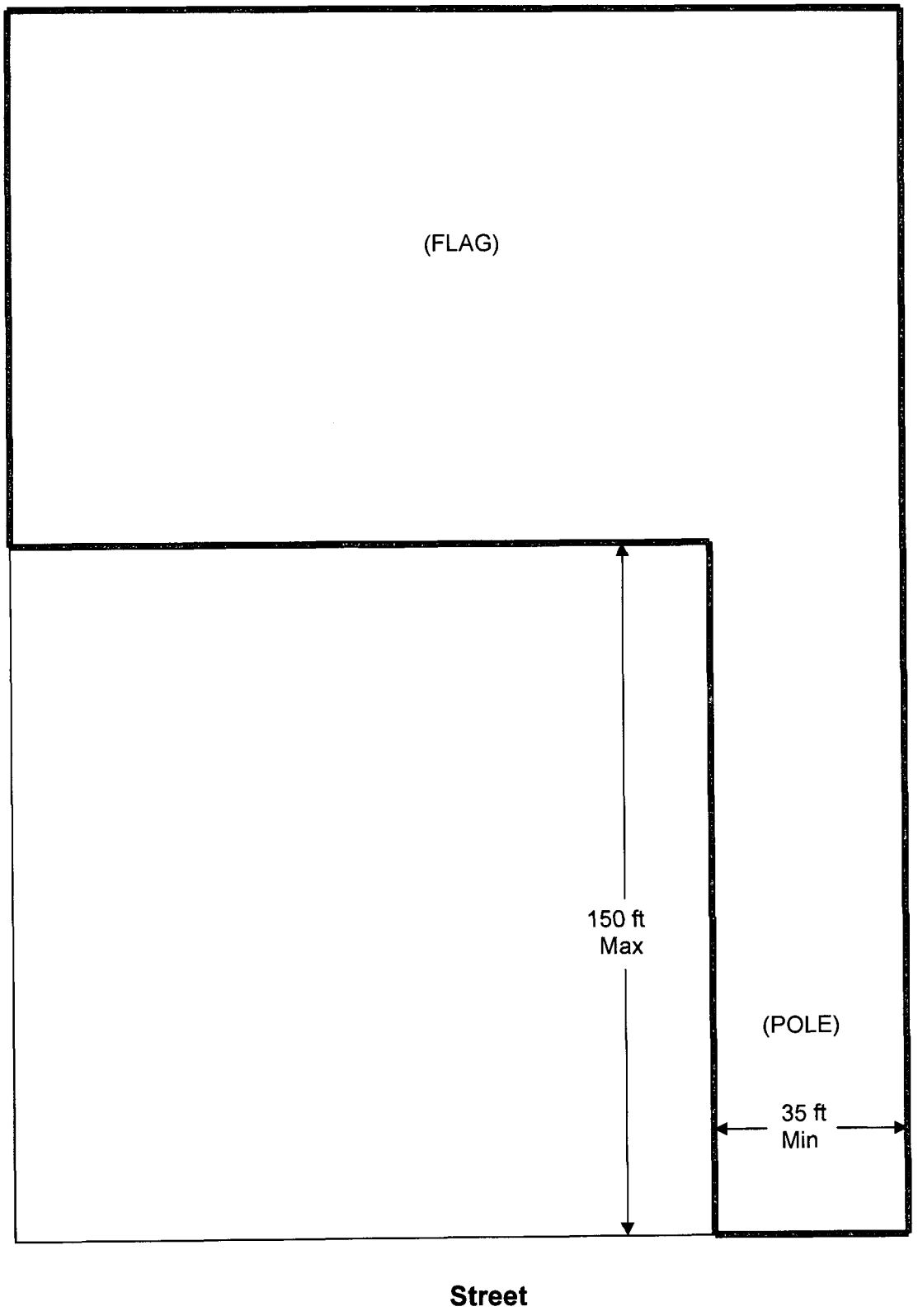
Attached Exhibit A demonstrates the current requirements. Attached Exhibit B demonstrates an alternative to the current code requirements, which could be supported by Community Development, Engineering, and Fire Department staff.

Staff recommended approval to the Planning & Zoning Commission of the applicant's request for an amendment to the current code standards as the proposed minimum pole width of 24' to 35' would provide adequate access to newly created lots.

After a public hearing at their April 12, 2010 meeting, the Planning and Zoning Commission voted 5-0 to not recommend approval to the Town Council. The motion is attached.

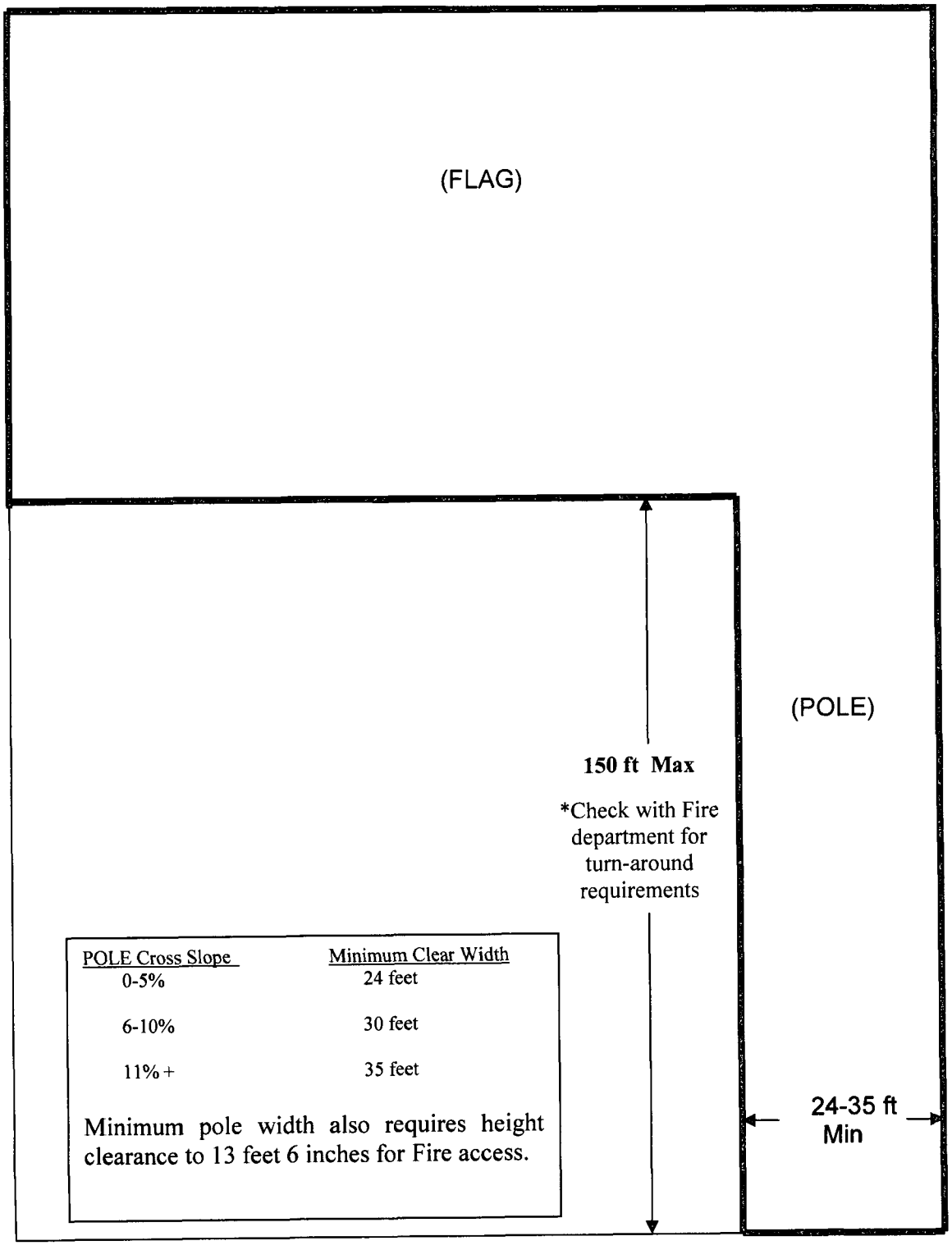
Unified Development Code
Flag Lot Development Standards
CURRENT

Exhibit A



Unified Development Code
Flag Lot Development Standards
PROPOSED

Exhibit B



POLE Cross Slope	Minimum Clear Width
0-5%	24 feet
6-10%	30 feet
11%+	35 feet

Minimum pole width also requires height clearance to 13 feet 6 inches for Fire access.

P10-003 UDC Amendment – Flag Lot Pole Width
P&Z Commission Motion
May 6, 2010

James Scheidt moved, seconded by Joel Mona, that the Planning and Zoning Commission **not** recommend to the Town Council approval of P10-003, an amendment to the Unified Development Code, Section 15-02-004, "Residential District Uses", by amending Section 15-02-004 (D) as shown in Exhibit B.

Motion carried 5-0.

RESOLUTION NO. 2550 IS PROVIDED FOR INFORMATION ONLY AT THE 5/6/10 COUNCIL MEETING.

RESOLUTION NO. 2550 WILL BE AGENDIZED AS AN ACTION ITEM AT THE 5/20/10 COUNCIL MEETING.

RESOLUTION NO. 2550

A RESOLUTION OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, AMENDING PROVISIONS OF THE TOWN'S UNIFIED DEVELOPMENT CODE RELATING TO THE DIMENSIONS OF FLAG LOTS, AND DECLARING SUCH AMENDMENTS TO BE A PUBLIC RECORD.

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 various portions of Chapter 154 (the Unified Development Code) of the Code of the Town of Payson relating to the dimensions of flag lots; 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:

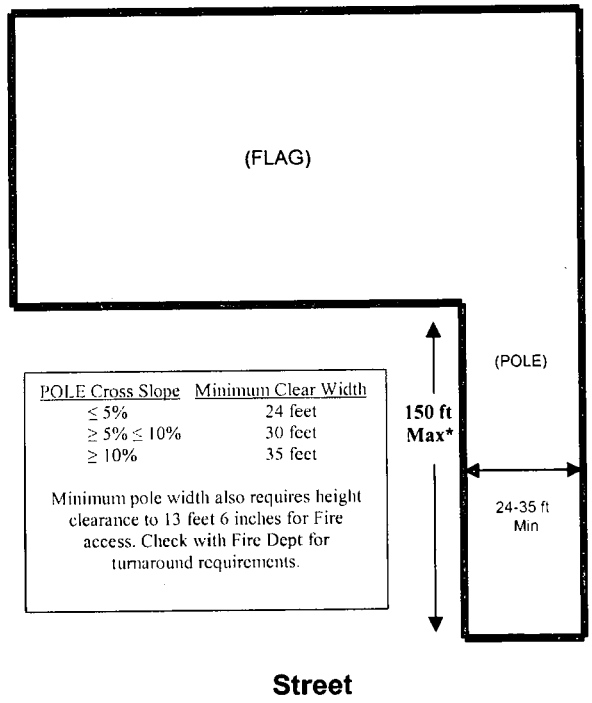
Section 1. Section 15-02-004(A)(2)(f), of Chapter 154 of the Code of the Town of Payson is hereby added, is declared to be a public record, and as added shall read as follows:

Flag Lots - The maximum depth of the pole section of a flag lot shall be 150 feet. The minimum width of the pole section of a flag lot shall be as follows:

i. 24 feet for pole sections having, at the location of the highest cross slope, a cross slope of less than or equal to 5%

ii. 30 feet for pole sections having, at the location of the highest cross slope, a cross slope of more than 5% and less than or equal to 10%; and

iii. 35 feet for pole sections having, at the location of the highest cross slope, a cross slope of more than 10%.



POLE Cross Slope	Minimum Clear Width
≤ 5%	24 feet
≥ 5% ≤ 10%	30 feet
≥ 10%	35 feet

Minimum pole width also requires height clearance to 13 feet 6 inches for Fire access. Check with Fire Dept for turnaround requirements.

Section 2. Section 15-02-004(A)(2)(d), of Chapter 154 of the Code of the Town of Payson is hereby amended, is declared to be a public record, and as amended shall read as follows:

Cul-de-sac or irregular shaped lots - Shall HAVE A MINIMUM LOT WIDTH AT THE STREET FRONTAGE OF 35 FEET AND meet the minimum lot requirements specified for the respective zoning district in this Code.~~, and if~~ IF the side property lines are not parallel, the width of the lot shall be determined according to the definition for lot width specified in Section 15-11 of this Code.

Section 3. That Footnote 2 of Section 15-02-004 (D) Table of Residential Lot Development Standards, of Chapter 154 of the Code of the Town of Payson is hereby amended, is declared to be a public record, and as amended shall read as follows:

For cul-de-sac and flag lots, SEE SECTIONS 15-02-004(A)(2)(d) AND (f). ~~the minimum width of the lot, at the street frontage, shall be 35 and the minimum lot width shall be obtained at the center point of the lot. For flag lots, the front line is the line opposite the rear property line.~~

PASSED AND ADOPTED BY THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON this 20th day of May, 2010, by the following vote:

AYES _____ NOES _____ ABSTENTIONS _____ ABSENT

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Kenny J. Evans, Mayor

ATTEST:

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Silvia Smith, Town Clerk

APPROVED AS TO FORM:

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Samuel I. Streichman, Town Attorney