**ORDINANCE NO. 806**

**AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, ADDING SECTION 15-02-016 AND AMENDING SECTIONS 15-02-003 AND 15-11-002 OF CHAPTER 154 (THE UNIFIED DEVELOPMENT CODE) OF THE CODE OF THE TOWN OF PAYSON, CREATING AN EDUCATIONAL FACILITIES ZONING DISTRICT. (EDUCATIONAL FACILITIES ZONING DISTRICT)**

**WHEREAS**, the Town's Unified Development Code does not currently have a zoning district that specifically addresses educational uses; and

**WHEREAS**, the Town desires to create a zoning district to protect and facilitate the construction and use of educational facilities; and

**WHEREAS**, on April 21, 2011, the Town Council directed Town staff to prepare a code amendment to implement a new zoning district to address educational uses; and

**WHEREAS**, on May 15, 2011, the Planning and Zoning Commission held a public hearing on the proposed creation of an Educational Facilities District and made recommendation to the Town Council; and

**WHEREAS**, on May 19, 2011, the Town Council held a public hearing on the proposed Educational Facilities District; and

**WHEREAS**, it is the desire of the Mayor and Common Council to amend the Code of the Town of Payson by adding Section 15-02-016 and amending Sections 15-02-003 and 15-11-002 to create an Educational Facilities Zoning District,

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

Section 1. That Section 15-02-016 (Educational Facilities District, EF) of Chapter 154 of the Code of the Town of Payson ("The Unified Development Code") is hereby added and shall read as set forth in Exhibit A attached hereto.

Section 2. That Section 15-02-003(A)(1)(b)(5) of The Unified Development Code is hereby renumbered to Section 15-02-003(A)(1)(b)(6).

Section 3. That new Section 15-02-003(A)(1)(b)(5) of The Unified Development Code is hereby added and shall read as follows:

(5) Building height within an Educational Facilities District shall be limited by the approved Development Plan and Narrative, and shall address the factors noted in Section 15-09-017(A)(4).

**FIRST READING AND PUBLIC HEARING** MAY 19 2011 G.3

**SECOND READING AND PUBLIC HEARING** JUN 02 2011 G.4

Section 4. That Section 15-11-002 (Definitions) of The Unified Development Code is hereby amended to include the following definitions:

Educational Ancillary Facilities - see section 15-02-016(B)

Educational Facilities - see section 15-02-016(B)

Educational Facilities Site - see section 15-02-016(B)

Section 5. If any section, subsection, or portion of this Ordinance is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this Ordinance. The Mayor and Common Council of the Town of Payson declares that it would have adopted this Ordinance and each section, subsection, or portion thereof despite the fact that any one or more sections, subsections, 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 _____, 2011, by the following vote:

AYES _____ NOES _____ ABSTENTIONS _____ ABSENT _____

_____
Kenny J. Evans, Mayor

ATTEST:

_____
Silvia Smith, Town Clerk

APPROVED AS TO FORM:

_____
Timothy M. Wright, Town Attorney

# EXHIBIT A
# TO
# ORDINANCE 806

15-02-016 Educational Facilities District (EF)

A. Purpose and Intent: The Educational Facilities District is intended to permit, protect, and facilitate the construction and use of Educational Facilities and Educational Ancillary Facilities.

B. Definitions:

1. Educational Facilities means any of the following that are for use by school districts, charter schools, private schools, colleges, universities, and other education providers. Educational Facilities may be owned by governmental or private entities.
   a. classrooms
   b. educational administrative facilities and offices
   c. educational support facilities
   d. student housing
   e. research facilities
   f. structures or other facilities for the utilization of renewable resources
   g. conference centers
   h. public transportation
   i. athletic facilities
   j. parking lots and structures
   k. public parks, open space, and/or plaza's; and
   l. any other facility used primarily for, or to support, education,

2. Educational Ancillary Facilities means uses not directly for or supporting education, but which complement or are compatible with Educational Facilities and are located within an Educational Facilities Site.

3. Educational Facilities Site means the property on which Educational Facilities and Educational Ancillary Facilities are located. Such Site may contain multiple individual parcels if the development of such individual parcels is governed by one Development Plan.

C. Educational Facilities District Permitted Uses:

1. Educational Facilities shall be permitted.

2. Educational Ancillary Facilities that are subsidiary or auxiliary to Educational Facilities shall be permitted.

D. Educational Facilities Development Standards:

1. A Development Plan, in accordance with 15-09-008, shall be submitted with the rezoning application.

2. All development shall be in accordance with the adopted rezoning ordinance.

# LEGAL NOTICE

**The Town of Payson Planning & Zoning Commission will hold a public hearing at 3:00 P.M. on Monday, May 16, 2011, and the Town Council will hold a public hearing at 5:30 P.M. on Thursday May 19, 2011 in the Town Council Chambers at 303 North Beeline Highway on the following item:**

**P11-002** Amendment to the Unified Development Code (UDC) creating a new zoning district classification-Education Facilities District, to allow for educational institutions and their ancillary facilities.

All interested persons are invited to attend this hearing and comment on the proposed request. Materials relating to the above-referenced hearing item are available at the Town of Payson website, www.paysonaz.gov or at the Community Development Department at 303 N. Beeline Highway, Payson, Arizona 85541, a minimum of 48 hours prior to the scheduled hearing. This department welcomes written comments at the address listed above.

The Town of Payson endeavors to make all public meetings accessible to persons with disabilities. With 48 hours advance notice, special assistance can also be provided for sight and/or hearing impaired persons at public meetings. Please call 474-5242 (voice) or 472-6449 (TDD) to request an accommodation to participate in the meeting.

**PUBLISH PAYSON ROUNDUP: April 29, 2011**

**Ray Erlandsen, Community Development Director**