ORDINANCE NO. 814

AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, AMENDING THE TOWN'S DESIGN REVIEW GUIDELINES BY ADDING ARCHITECTURAL DESIGN GUIDELINES, REGULATIONS, AND DEVELOPMENT REQUIREMENTS SPECIFIC TO GOVERNMENTAL PROPERTIES AND NON GOVERNMENTAL UTILITY DEVELOPMENTS.

WHEREAS, on April 19, 2007, the Payson Town 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 making recommendations for changes, amendments, deletions, or additions to the Guidelines; and

WHEREAS, on December 11, 2008, the Council approved Ordinance 746 which added Section 15-02-014, Design Review Overlay District (commonly referred to as the Payson Design Review Manual) to Payson's Unified Development Code; and

WHEREAS, Part IV, subsection (E) of the Payson Design Review Manual is entitled "Governmental Properties and Buildings, Public Utilities;" and

WHEREAS, Part IV, subsection (E) was an interim step requiring Governmental and Public Utility Developments to comply with the Commercial Guidelines; and

WHEREAS, on September 14, 2011, the Board voted to recommend amendments to the Guidelines, specifically related to Governmental Properties and Non Governmental Utility Developments ("the Amendments"); and

WHEREAS, on October 10, 2011, the Planning and Zoning Commission held a Public Hearing on the Amendments and following such Public Hearing recommended approval (6-0) of the Amendments; and

WHEREAS, on November 3, 2011, the Payson Town Council held a public hearing on the Amendments; and

WHEREAS, the Mayor and Common Council find that maintaining the aesthetic quality of the Governmental and Non Governmental Utility Developments within the Town increases property values, increases economic development and creates financial benefits for the Town's property owners; and

WHEREAS, the Mayor and Common Council find that the Amendments are necessary to regulate, maintain, and promote the aesthetic quality of the Town; and

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FIRST READING AND PUBLIC HEARING

SECOND READING AND PUBLIC HEARING

WHEREAS, it is the desire of the Mayor and Common Council to amend the Code of the Town of Payson by amending certain portions of Section 15-02-014, Part II(A), Part III(A), and Part IV(E) and (F),

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

Section 1. Amendments to Section 15-02-014 (Design Review) of the Unified Development Code set forth in Resolution 2628 were heretofore declared to be a public record, and the provisions thereof are hereby referred to and adopted by this reference as though all the provisions thereof were set forth in full in this Ordinance.

Section 2. At least three copies of the amendments adopted by Section 1 above, shall be filed in the Office of the Town Clerk of the Town of Payson and the same shall be maintained and kept available for public use and inspection.

Section 3. If any section, subsection, clause, phrase or portion of this Ordinance 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, 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 _____, 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

RESOLUTION NO. 2628 IS PROVIDED FOR INFORMATION ONLY AT THE 11/3/11 COUNCIL MEETING.

RESOLUTION NO. 262~~6~~8 WILL BE AGENDIZED AS AN ACTION ITEM AT THE 11/17/11 COUNCIL MEETING.

RESOLUTION NO. 2628

A RESOLUTION OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, AMENDING SECTION 15-02-014 (DESIGN REVIEW) OF THE UNIFIED DEVELOPMENT CODE OF THE TOWN OF PAYSON AND DECLARING SUCH AMENDMENT TO BE A PUBLIC RECORD.

WHEREAS, the Code of the Town of Payson was declared to be a public record by Resolution Number 1536 and was adopted as a public record by Ordinance Number 588; and

WHEREAS, it is the intention of the Town of Payson to amend Section 15-02-014 (Design Review) of Unified Development Code of the Town of Payson; 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 15-02-014, Part II(A) (Design Review Applicability) of the Unified Development Code of the Town of Payson is hereby amended, such amendment is declared to be a public record, and pursuant to such amendment, shall read as set forth in Exhibit A.

Section 2. Section 15-02-014, Part III(A) (Design Review Application Procedure) of the Unified Development Code of the Town of Payson is hereby amended, such amendment is declared to be a public record, and pursuant to such amendment, shall read as set forth in Exhibit B.

Section 3. Section 15-02-014, Part IV(E) (Design Review Regulations and Development Requirements - Government Properties and Buildings, Public Utilities) of the Unified Development Code of the Town of Payson is hereby amended, such amendment is declared to be a public record, and pursuant to such amendment, shall read as follows:

E. Governmental Properties.
Governmental Properties are encouraged to comply with the regulations that are most closely associated with their use, e.g., offices - Commercial; storage/outdoor uses - Industrial.

Section 4. Section 15-02-014, Part IV(F) (Design Review Regulations and Development Requirements - Non Governmental Utilities) of the Unified Development Code of the Town of Payson is hereby added, is declared to be a public record, and shall read as follows:

F. Non Governmental Utilities
Non Governmental Utilities shall comply with the provisions of the regulations that are most closely associated with their use, e.g., offices - Commercial; substations - commercial; storage/outdoor uses - Industrial.

PASSED AND ADOPTED BY THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON this _____ day of October, 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

PART II

A. Applicability

1. The Design Review overlay district shall include all property located within the Town of Payson.

2. The following activities occurring within the Design Review overlay district shall obtain Design Review approval prior to the issuance of any grading or building permits or commencement of any construction activity:
   a. Any construction activity requiring a grading or building permit.
   b. Modifications to signage or new signage.
   c. Any exterior painting of a building, fence, wall, or façade.
   d. Changing of a building façade or roof.
   e. Removal or modifications to existing landscaping.
   f. Site modifications including any grubbing, stripping, cutting, excavating, filling, or shaping of the earth, land, soil or material, or removal of vegetation.
   g. Exterior display or storage of merchandise, goods, supplies, or similar items.
   h. Construction of or modifications to accessory structures, fences and site walls.

3. The following activities occurring within the Design Review overlay district shall be exempt from Design Review:
   a. Construction of or modifications to single family detached and two and three family residential units.
   b. Maintenance of the exterior of an existing structure such as repainting, re-roofing, and re-siding where the same materials and colors are used, so long as those colors and materials were previously in compliance with or approved through the Design Review process.
   c. Interior remodeling.

4. Pursuant to State law, governmental buildings may not be required to comply with the provisions of this section (15-02-014). If compliance is not required, Town staff shall work with the governmental entity, when possible, to encourage consistency with the purposes and intent, vision and goals, and principles of the Design Review Overlay District.

EXHIBIT A TO RESOLUTION 2628

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 and applications by governmental entities.
   b. Minor changes shall be reviewed by the Community Development Director or his/her designee.
   c. Minor changes shall mean any of the following, except for those properties covered by Part IV Subsection D – Historic "Main Street" Payson:
      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.
   d. Any application by a governmental entity required by the provisions of this section (15-02-014) shall be reviewed by the Town Council.

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.

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.

6. In conjunction with subsection 3 above, 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 (a) to eliminate or mitigate legal nonconforming buildings, signs or other structures, and (b) due to unique characteristics or features of the site.

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.

EXHIBIT B TO RESOLUTION 2628