

RESOLUTION 2746

A RESOLUTION OF THE TOWN COUNCIL ADMINISTRATIVELY REMOVING A PORTION OF THE REVERSIONARY CLAUSE OF ORDINANCE 503, SECTION 3(K), RELATING TO REAL PROPERTY LOCATED ON THE SOUTHSIDE OF THE 1800-2000 BLOCK OF EAST HIGHWAY 260.

WHEREAS, on July 10, 1997, the Town Council adopted Ordinance 503 rezoning real property located on the Southside of the 1800- 2000 block of East Highway 260; and

WHEREAS, a portion of Section 3(K) of Ordinance 503 called for an automatic reversion of the zoning if “the developer does not have approved Commercial Improvement Plans within one (1) year and an approved final plat within two (2) years of the approval date” (see Exhibit A showing the entire rezoned area and the commercial portion of the area); and

WHEREAS, in 1997, the Arizona Legislature amended A.R.S. 9-462.01(E) which governs reversionary clauses in rezoning ordinances; and

WHEREAS, the Legislature’s 1997 amendment removed the ability of a zoning ordinance to automatically revert zoning and instead allows a Town Council to administratively “after notification by certified mail to the owner and applicant who requested the rezoning . . . schedule a public hearing [and] take administrative action to extend, remove or determine compliance with the schedule for development” or legislatively revert the zoning; and

WHEREAS, commercial improvement plans were not approved within one year of Ordinance 503; and

WHEREAS, with respect to the commercial zoning approved by Ordinance 503: (a) commercial zoning is consistent with generally accepted planning principles; (b) Town Staff supports the commercial zoning; and (c) commercial zoning is consistent with both the current General Plan and the General Plan recently approved by the Town Council for submission to the voter in 2014;

WHEREAS, the owners of the commercial parcels have received notice of this Resolution and the Public Hearing; and

WHEREAS, the Council desires to remove the reversionary clause related to the timeline for commercial plan approvals,

NOW, THEREFORE, THE MAYOR AND COUNCIL DO RESOLVE AS FOLLOWS:

- Section 1. The Council finds that all of the requirements of A.R.S. 9-462.01(E) for the administrative removal of a portion of the reversionary clause in Ordinance 503 have been met.

- Section 2. The language “or the developer does not have approved Commercial Improvement Plans within one (1) year and an approved final plat within two (2) years of the approval date of this Ordinance Number 503” is administratively removed from Section 3(K) of Ordinance 503.

PASSED AND ADOPTED BY THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, this 21st day of November, 2013, by the following vote:

AYES _____ NOES _____ ABSTENTIONS _____ ABSENT _____

Kenny J. Evans, Mayor

ATTEST:

APPROVED AS TO FORM:


Silvia Smith, Town Clerk

Timothy M. Wright, Town Attorney

Exhibit A to Resolution 2746

Commercial Portion

Entire Area

