

ORDINANCE NO. 865

AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, AMENDING TOWN CODE SECTIONS 33.56 AND 33.58 CONCERNING THE DESIGN REVIEW BOARD AND SECTION 154-02-014 PART III OF THE UNIFIED DEVELOPMENT CODE TO STREAMLINE THE DEVELOPMENT PROCESS BY INCORPORATING CERTAIN FUNCTIONS OF THE DESIGN REVIEW BOARD WITH THE PLANNING AND ZONING COMMISSION, AND AMENDING THE RESPONSIBILITIES OF THE COMMUNITY DEVELOPMENT DIRECTOR OR DESIGNEE.

WHEREAS, certain new development, businesses, and/or construction within the Town are required to obtain approvals from one or more of the Town's various Boards and Commissions; and

WHEREAS, in many cases, these approvals are provided by the Planning and Zoning Commission ("the Commission") and the Design Review Board ("DRB"); and

WHEREAS, the approvals from these various Boards and Commissions can extend the approval process; increase costs for developers; require additional and/or duplicative Town Staff time and effort; frustrate Board and Commission Members who are not making a truly final decision; and create the possibility of inconsistent approvals;

WHEREAS, the Council desires to streamline the development approval process by designating the Commission to perform the Design Review Board functions of recommending amendments to the Design Review Guidelines and hearing appeals of the Community Development Director;

WHEREAS, on March 2, 2015 the Town of Payson Planning and Zoning Commission conducted a public hearing concerning the proposed amendments of Section 154-02-014 Part III of the Unified Development Code of the Town of Payson as set forth in Exhibit B to Resolution 2837 and voted 3-2 to recommend those proposed amendments for adoption by the Town Council;

WHEREAS, the Town Council held public hearings on March 19 and April 2, 2015 on the recommended amendments set forth in Exhibits A and B of Resolution 2837;

WHEREAS, the Town desires to enact the recommended amendments,

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

SECTION 1: That the amendments to Payson Town Code Sections 33.56 and 33.58 set forth as Exhibit A to Resolution 2837 were declared to be a public record, and that the amendments are hereby referred to and adopted by this Ordinance as though all of the provisions thereof were set forth in full in this Ordinance.

First Public Hearing MAR 19 2015 D.4

SECTION 2: That the amendments to Payson Town Code Section 154-02-014 Part III of the Unified Development Code set forth as Exhibit B to Resolution 2837 were declared to be a public record, and that the amendments are hereby referred to and adopted by this Ordinance as though all of the provisions thereof were set forth in full in this Ordinance.

SECTION 3: All other code provisions, ordinances, or parts of ordinances in conflict with the provisions of this Ordinance are hereby repealed as of the effective date hereof.

SECTION 4: If any section, subsection, or other portion of this Ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance.

PASSED AND ADOPTED by the Mayor and Common Council of the Town of Payson, Arizona, this ____ day of _____, 2015, by the following vote:

AYES: _____ NAYES: _____ ABSENT: _____ ABSTAINED: _____

APPROVED this ____ day of _____, 2015.

Kenny J. Evans, Mayor

ATTEST:

APPROVED AS TO FORM:

Silvia Smith, Town Clerk

Curtis, Goodwin, Sullivan, Udall & Schwab, P.L.C.
Town Attorneys
By Patricia E. Ronan

I, SILVIA SMITH, TOWN CLERK, DO HEREBY CERTIFY THAT A TRUE AND CORRECT COPY OF THE ORDINANCE NO. 865 ADOPTED BY THE COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA ON THE ____ DAY OF _____, 2015, WAS POSTED IN THREE PLACES ON THE ____ DAY OF _____, 2015.

Silvia Smith, Town Clerk

RESOLUTION NO. 2837
IS PRESENTED AT THE
MARCH 19, 2015 COUNCIL MEETING
FOR INFORMATION ONLY.
IT CONTAINS BLANKS IN
SECTIONS 5 AND 6
THAT WILL BE COMPLETED PRIOR TO
PRESENTATION TO THE COUNCIL FOR
ADOPTION AT ITS
APRIL 2, 2015 MEETING.

RESOLUTION NO. 2837

A RESOLUTION OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, AMENDING TOWN CODE SECTIONS 33.56 AND 33.58 CONCERNING THE DESIGN REVIEW BOARD AND SECTION 154-02-014 PART III OF THE UNIFIED DEVELOPMENT CODE TO STREAMLINE THE DEVELOPMENT PROCESS BY INCORPORATING CERTAIN FUNCTIONS OF THE DESIGN REVIEW BOARD WITH THE PLANNING AND ZONING COMMISSION, AMEND THE RESPONSIBILITIES OF THE COMMUNITY DEVELOPMENT DIRECTOR OR DESIGNEE, AND DECLARING SUCH AMENDMENTS TO BE PUBLIC RECORDS.

WHEREAS, certain new development, businesses, and/or construction within the Town are required to obtain approvals from one or more of the Town's various Boards and Commissions;

WHEREAS, in many cases, these approvals are provided by the Planning and Zoning Commission ("the Commission") and the Design Review Board ("DRB");

WHEREAS, the approvals from these various Boards and Commissions can extend the approval process; increase costs for developers; require additional and/or duplicative Town Staff time and effort; frustrate Board and Commission Members who are not making a truly final decision; and create the possibility of inconsistent approvals;

WHEREAS, the Council desires to streamline the development approval process by designating the Commission to perform the Design Review Board functions of recommending amendments to the Design Review Guidelines and hearing appeals of the Community Development Director;

WHEREAS, on March 2, 2015 the Town of Payson Planning and Zoning Commission conducted a public hearing concerning the proposed amendments of Section 154-02-014 Part III of the Unified Development Code of the Town of Payson as set forth in Exhibit B and voted 3-2 to recommend those proposed amendments for adoption by the Town Council;

WHEREAS, the Town Council held public hearings on March 19 and April 2, 2015 on the recommended amendments set forth in Exhibits A and B;

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

WHEREAS, it is the intention of the Town of Payson to amend the provisions of the Code relating to the Design Review Board and Part III of Section 154-02-014 of the Unified Development Code; and

WHEREAS, such amendments may be enacted by reference, pursuant to A.R.S. § 9-802;

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

Section 1. Town Code Sections 33.56 and 33.58 of the Town of Payson are hereby amended to read as set forth in Exhibit A. Furthermore, this amendment is declared to be a public record.

Section 2. Section 154-02-014 Part III of the Unified Development Code of the Town of Payson is hereby amended and shall read as set forth in Exhibit B and is declared to be a public record.

Section 3. The Planning and Zoning Commission (the "Commission") shall sit as, and fulfill all of the duties and functions of the Design Review Board ("DRB") as set forth in Town Code Sections 33.55 through 33.58.

Section 4. The Commission may sit as the DRB in independently agendized meeting or contemporaneously with its regularly scheduled meetings. Any such contemporaneous meeting shall have a joint Commission/DRB agenda posted.

Section 5. The current members of the DRB are formally recognized and thanked for their service on the DRB; and as of April 2, 2015 relieved of their duties.

Section 6. The Council will consider all current members of the Commission and DRB as well as community members that have submitted Board or Commission applications to serve on the Planning and Zoning Commission.

Section 7. Town Staff is directed to review design review applications pursuant to the requirements of Section 154-02-014 Part III as amended in Exhibit B.

PASSED AND ADOPTED by the Mayor and Common Council of the Town of Payson, Arizona, this ____ day of _____, 2015, by the following vote:

AYES: _____ NAYES: _____ ABSENT: _____ ABSTAINED: _____

APPROVED this ____ day of _____, 2015.

Kenny J. Evans, Mayor

ATTEST:

APPROVED AS TO FORM:

Silvia Smith, Town Clerk

Curtis, Goodwin, Sullivan, Udall & Schwab, P.L.C.
Town Attorneys
By Patricia E. Ronan

EXHIBIT A TO RESOLUTION NO. 2837

33.56 DUTIES AND RESPONSIBILITIES.

The Design Review Board shall have the following powers, duties and responsibilities:

(A) To, from time to time, review all existing Town Design Review guidelines and recommend to the Town Council any changes, amendments, deletions or additions to such Design Review guidelines.

~~(B) To review Design Review applications as set forth in Unified Development Code. The Board shall not review single family or two family residences.~~

~~————(C)——~~To review and approve the official minutes of all meetings of the Board prior to transmittal of the minutes to the Council.

~~(D)~~ To perform any other function as may be determined, from time to time, by the Mayor and Town Council.

33.58 MEETINGS.

(A) The Board shall meet as needed.

(B) If the Board is reviewing potential changes, amendments, deletions or additions to the town's design review guidelines, the Board shall actively solicit public input.

~~(C) If the Board is reviewing a specific design review application, the public shall have the right to attend and observe such review, but the Board shall only consider the contents of the application, information provided by the application and information provided by Town staff prior to making a decision on such application.~~

EXHIBIT B TO RESOLUTION NO. 2837

Section 154-02-014 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 division (D) Historic "Main Street" Payson:~~

~~_____ 1. All resurfacing of existing vertical structures.~~

~~_____ 2. All signs that are otherwise in compliance with this Code.~~

~~_____ 3. 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 5,000 square feet and (2) is complimentary with surrounding properties as well as the existing building.~~

~~_____ 4. An addition or accessory structure that does not substantially or detrimentally alter the appearance of the site as seen from off-site.~~

~~_____ 5. 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 shall be reviewed by the Town Council.~~

(a) The Community Development Director or his/her designee shall review all design review applications.

(b) Any application by a governmental entity required by the provisions of this section shall be reviewed by the Town Council.

(4) All design review applications shall be approved or denied within 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 and intent, vision and goals, and principles of the Design Review Overlay District; and

(b) Compliance with the development standards set forth in Part IV of this section.

(6) ~~In conjunction with division (3) above, the Design Review Board or The~~ Community Development Director, on a case by case basis, may make exceptions to the regulations and development requirements standards set forth in Part IV (a) of this section (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.

(B) Appeals.

(1) Any applicant aggrieved by a design review decision may appeal that decision. ~~provided the applicant submits an appeal in writing within 15 days of the date of the decision.~~

(a) The appeal shall be submitted in writing within 15 days of the date of the decision to the Community Development Director and applicant shall specify in the ~~written appeal~~ any alleged errors in the decision.

(b) The applicant ~~and~~ shall have the burden of demonstrating why the decision was in error.

~~(a) An appeal of a decision by the Community Development Director shall be heard by the Design Review Board as soon as is reasonably practicable following receipt of the appeal by the Community Development Department and in accordance with Arizona's Open Meeting Laws.~~

~~(cb) Any appeal of a decision by the Design Review Board shall be heard by the Planning Commission as soon as is reasonably practical following receipt of the appeal by the Community Development Department and in accordance with Arizona's Open Meeting Laws.~~

(de) In no case shall the date for an appeal hearing exceed 60 calendar days from the date the appeal is received by the Community Development Department, unless specifically requested by the applicant.

(C) Maintenance and enforcement.

(1) Prior to issuance of a building permit ~~or grading permit~~ the Building Official shall verify determine that all requirements of the design review approval has been obtained have been met.

(2) The Community Development Director or Director's designee shall insure that all matters are undertaken according to conditions of the approved plans. Noncompliance with the approved plans shall be grounds for stopping work on the project or for denial of a certificate of occupancy.

(3) Failure to maintain compliance with the requirements of this section shall be subject to enforcement action in accordance with §§ 154-10-001 through 154-10-008.