

ORDINANCE NO. 866

AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, AMENDING PAYSON TOWN CODE SECTION 154-14-009 OF THE UNIFIED DEVELOPMENT CODE RELATING TO RELIEF FROM THE PROHIBITIONS ON HOME OCCUPATIONS.

WHEREAS, the Town of Payson regulates businesses, land use, and residential zoning for Payson the benefit of Town of Payson;

WHEREAS, in 2010, the Mayor and Council approved Ordinance 791 and Resolution 2577 amending the Unified Development Code to give residents greater opportunities to utilize their residences for certain Home Occupations;

WHEREAS, Section 154-14-009 provided for conditional use permits to expand the circumstances in which residents could operate Home Occupations and the Council finds that it is in the interest of the Town of Payson to expand the grounds for the conditional use permits;

WHEREAS, the Town of Payson Planning and Zoning Commission held a public hearing on these proposed amendments on March 2, 2015 and voted 5-0 to recommend that the Town Council approve the proposed amendments;

WHEREAS, the Town Council held Public Hearings on March 19, 2015 and April 2, 2015 on the amendments to Section 154-14-009; and

WHEREAS, the Town desires to enact the amendments to Section 154-14-009.

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 Section 154-14-009 of the Unified Development Code set forth as Exhibit A to Resolution 2838 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 2: All ordinances and parts of ordinances in conflict with the provisions of this Ordinance or any part of the Code adopted herein by reference are hereby repealed.

SECTION 3: If any section, subsection, sentence, clause, phrase or portion of this Ordinance or any part of the Code adopted herein by reference, 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 thereof.

First Public Hearing MAR 19 2015 *D.S.*

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:

Silvia Smith, Town Clerk

APPROVED AS TO FORM:

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. _____ 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. 2838
IS PRESENTED AT THE
MARCH 19, 2015 COUNCIL MEETING
FOR INFORMATION ONLY

RESOLUTION NO. 2838
WILL APPEAR AS AN ACTION ITEM
ON THE AGENDA OF THE
APRIL 2, 2015 COUNCIL MEETING

RESOLUTION NO. 2838

A RESOLUTION OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, AMENDING PAYSON TOWN CODE SECTION 154-14-009 OF THE UNIFIED DEVELOPMENT CODE RELATING TO RELIEF FROM THE PROHIBITIONS ON HOME OCCUPATIONS AND DECLARING SUCH AMENDMENT TO BE A PUBLIC RECORD.

WHEREAS, the Town of Payson regulates businesses, land use, and residential zoning for the benefit of Town of Payson; and

WHEREAS, in 2010, the Mayor and Council approved Ordinance 791 and Resolution 2577 amending the Unified Development Code to give residents greater opportunities to utilize their residences for certain Home Occupations; and

WHEREAS, Section 154-14-009 provided for conditional use permits to expand the circumstances under which residents could operate Home Occupations and the Council finds that it is in the interest of the Town of Payson to expand the grounds for the conditional use permits; and

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; and

WHEREAS, the Town of Payson Planning and Zoning Commission held a public hearing on these proposed amendments on March 2, 2015 and voted 5-0 to recommend that the Town Council approve the proposed amendments;

WHEREAS, it is the intention of the Town of Payson to amend the provisions of the Code relating to Relief for Home Occupations in Section 154-14-009 of the Unified Development Code;

WHEREAS, the Town Council held Public Hearings on March 19, 2015 and April 2, 2015 on the amendments to Section 154-14-009; 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: Section 154-14-009 of the Unified Development Code of the Town of Payson is hereby amended and shall read as set forth in Exhibit A and is declared to be a public record.

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:

Silvia Smith, Town Clerk

APPROVED AS TO FORM:

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

Exhibit A

The Unified Development Code of the Payson Town Code ("Code"), Section 154-14-009, Relief, is amended to read as follows (additions shown in *ALL CAPS*, deletions shown in ~~strikeout~~):

154-14-009 Relief.

(A) Relief from the prohibitions under § 154-14-005(G) and/or (H) may be granted through the issuance of a conditional use permit .

(B) Except as set forth in Subsection ~~(C)~~ **(D)** below, a home occupation **DEFINED BY §154-14-006 AS A LEVEL ONE MINOR HOME OCCUPATION OR BY §154-14-007 AS A LEVEL TWO INTERMEDIATE HOME OCCUPATION** ~~having direct vehicular access from an improved dedicated roadway that is classified as a collector, arterial, or highway (as identified in the Town of Payson Roadway Classification)~~ may be granted relief from any of the standards set forth in §§ 154-14-006 through 154-14-007 through the issuance of a conditional use permit.

(C) EXCEPT AS SET FORTH IN SUBSECTION ~~(C)~~ (D) BELOW, A HOME OCCUPATION DEFINED BY §154-14-008 AS A LEVEL THREE MAJOR HOME OCCUPATION HAVING DIRECT VEHICULAR ACCESS FROM AN IMPROVED DEDICATED ROADWAY THAT IS CLASSIFIED AS A COLLECTOR, ARTERIAL, OR HIGHWAY (AS IDENTIFIED IN THE TOWN OF PAYSON ROADWAY CLASSIFICATION) MAY BE GRANTED RELIEF FROM ANY OF THE STANDARDS SET FORTH IN §154-14-008 THROUGH THE ISSUANCE OF A CONDITIONAL USE PERMIT.

~~(C)~~ **(D)** The following limitations apply to all home occupations. Accessory space shall not exceed 3,000 square feet.

~~(D)~~ **(E)** An applicant seeking relief pursuant to this section shall demonstrate (1) the availability of services adequate to serve the proposed use, including transportation, public

facilities and other services existing or planned for the area affected by the use; and (2) compatibility with existing land uses.

~~(F)~~ **(G)** In determining if a conditional use permit should be issued pursuant to this section, the following factors shall be considered:

(1) The number of specific standards from which relief is sought; it is presumed that the more standards are exceeded, the more difficult it will be to demonstrate compatibility;

(2) The character of the neighborhood, including such factors as the presence of other similar uses, proximity of other dwellings, the level of surrounding traffic, the size of accessory buildings, background noise levels, and other outside uses;

(3) The ability to mitigate impacts by screening, landscaping, building location, building design and other property improvements (for example driveway or road improvements);

(4) Potential environmental impacts, including effects on air and water quality;

(5) Provision of adequate and safe access to public roadways; and

(6) All other factors listed in § 154-09-004.