ORDINANCE NO. 871

AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, CREATING AND ADOPTING PAYSON TOWN CODE SECTION 154-02-017 OF THE UNIFIED DEVELOPMENT CODE RELATING TO COMMUNITY GARDENS IN ALL ZONING DESIGNATIONS SUBJECT TO CONDITIONS .

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

WHEREAS, in 1996, the Mayor and Council approved Ordinance 466 adopting the Unified Development Code ("UDC") and in 2014 approved Ordinance 850 Incorporating the UDC into the main Town Code compilation; and

WHEREAS, Section 154-02 established Zoning Districts in conformity with the Town Code and the Payson Master Plan; and

WHEREAS, the Planning Commission held a Public Hearing on July 6, 2015 and on a 6-0 vote recommended approval of Section 154-02-017; and

WHEREAS, the Town Council held Public Hearings on September 3, 2015 and September 17, 2015 on the creation and adoption of Section 154-02-017 – Community Gardens; and

WHEREAS, Mayor and Council desire to enact a newly created UDC - Section 154-02-017 to authorize and govern Community Gardens within all zoning designations subject to conditions.

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 154-02-017 of the Unified Development Code set forth as Exhibit A to Resolution 2877 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in conflict with the provisions of this Ordinance or any part of the Code adopted herein by reference are hereby repealed.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.

SEP 0 3 2015 D,2B

First Public Hearing

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:_____

_____
Kenny J. Evans, Mayor

ATTEST:

APPROVED AS TO FORM:

_____
Silvia Smith, Town Clerk

_____
Hector M. Figueroa, Town Attorney

Prepared by Town of Payson Legal Department

HMF:drs August 24, 2015 (1:00PM)

82415.ORD.UDC..COMMUNITY.GARDENS