RESOLUTION NO. 2919

A RESOLUTION OF THE MAYOR AND COUNCIL OF PAYSON, ARIZONA, AMENDING PAYSON TOWN CODE SECTION 154-02-003 UNIFIED DEVELOPMENT CODE, GENERAL DEVELOPMENT STANDARDS AND ZONING PROVISIONS, AND DECLARING SUCH AMENDMENTS AND ADDITION TO BE A PUBLIC RECORD.

WHEREAS, the Code of the Town of Payson ("Code") was declared to be a public record by Resolution 1536 and was adopted as a public record by Ordinance 588; 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, it is the intention of the Town of Payson to amend section 154-02-003 of the Code of the Town of Payson to allow carports and similar open-sided structures exempt from the building code within front yard setbacks as established General Development Standards and Zoning Provisions through subsection (A)(6) *et seq.*; and

WHEREAS, the Town's current provisions under section 154-02-003 do not allow carports and similar open-sided structures exempt from the building code to be located in the front yard; and

WHEREAS, the Town may enact the provisions of a code or a public record theretofore in existence by reference pursuant to A.R.S. § 9-802 *et. seq.* without setting forth the provisions, but the adopting ordinance shall be published in full.

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

Section 1: Section 154-02-003 of the Unified Development Code of the Town of Payson is hereby amended to allow flexibility within established General Development Standards and Zoning Provisions within subsection (A)(6) *et seq.* and shall read as set forth in **Exhibit A**.

Section 2: That Kenny J. Evans, Mayor of the Town of Payson, is authorized to execute Resolution 2918 and Ordinance 883 as presented to Mayor and Council; and

Section 3: This Resolution and said **Exhibit A** are hereby declared to be a public record pursuant to A.R.S. § 9-802 *et. seq.*

Section 4: That the Town of Payson and Town Officials are authorized to take such other and further actions as may be necessary or appropriate to carrying out the intent of this Resolution.

Section 5: If any portion of this Resolution is held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this Resolution.

PASSED AND ADOPTED BY THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON this 2nd day of June, 2016, by the following vote:

AYES ____ NOES ____ ABSTENTIONS ____ ABSENT _____

_____
Kenny J. Evans, Mayor

ATTEST:

_____
Silvia Smith, Town Clerk

APPROVED AS TO FORM:

_____
Hector M. Figueroa, Town Attorney

Prepared by Town of Payson Legal Department
HMF: dkk 5/10/2016 3:16 PM
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Exhibit A

§ 154-02-003 GENERAL DEVELOPMENT STANDARDS AND ZONING PROVISIONS.

The following shall apply to all zoning districts, unless otherwise specifically stated in this Code:

(A) *General development standards.*

(6) *Accessory uses.*

(a) Accessory buildings, structures and uses shall be permitted in all districts, provided each is incidental and subordinate to the primary use, and:

1. A primary permitted structure must be established either prior to or simultaneously with the issuance of a building permit for an accessory use.

2. No use that is to be carried on in an accessory structure shall violate the permitted uses in that district.

(b) The following apply to structures exempt from the current Building Code:

1. Enclosed accessory structures ~~must~~ shall be located in the side or rear yard of the property, and no closer than three feet from any property boundary.

2. Accessory structures such as carports, pergolas, gazebos and other similar structures with two or more open sides are:
   i) not subject to 'minimum space between buildings' standards;
   ii) allowed in side or rear yards, no closer than three feet from any property boundary; and
   iii) allowed to be constructed in front yards subject to established district setbacks, however not more than one exempt open-sided structure shall be allowed in any front yard.

3. ~~2.~~ No accessory structure shall exceed a height of 15 feet, unless otherwise provided by this Code.

4. ~~3.~~ Three accessory structures shall be permitted if they comply with the ~~density~~ maximum lot coverage standards for the lot, when these structures are combined in terms of area with other structures on the lot.

(c) Accessory structures exceeding 200 square feet shall require a building permit.

(d) Authorization of a particular class of structure or use in a designated district specified in this Code is prohibited in all other districts unless specifically allowed in that district. A use that is not permitted in that district shall not be considered as an accessory use in that district. The determination of whether or not a use is authorized shall be made by the Zoning Administrator, with rights of appeal to the Board of Adjustments.