RESOLUTION NO. 2917

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE TOWN OF PAYSON, ARIZONA, AMENDING PAYSON TOWN CODE SECTION 154-04-002 UNIFIED DEVELOPMENT CODE OFF-STREET PARKING AND LOADING GENERAL REQUIREMENTS TO ALLOW COMMERCIAL PARKING LOTS IN R-3 MULTIPLE FAMILY RESIDENTIAL ZONING DISTRICTS, AND UPDATING THE OFF-SITE PARKING PROVISIONS AND APPROVAL PROCESS, AND DECLARING SUCH AMENDMENT 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, it is the intention of the Town of Payson to amend §154-04-002 of the Code of the Town of Payson to allow commercial parking lots in R-3 Multiple family residential zoning districts, and update the off-site parking provisions and approval process, 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, 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 COUNCIL OF THE TOWN OF PAYSON, ARIZONA, RESOLVE AS FOLLOWS:

Section 1: Section 154-04-002 of the Unified Development Code of the Town of Payson is hereby amended to allow commercial parking lots in R-3 Multiple family residential zoning districts, and update the off-site parking provisions and approval process 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 2917 and Ordinance 882 as presented to Mayor and Council; and

Section 3: This Resolution and said attached 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 5/9/2016 3:34 PM
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Exhibit A

154-04-002 - GENERAL REQUIREMENTS.

Deviations from the general requirements set forth below, except from the requirements of division (G) of this section, may be permitted by the granting of a conditional use permit pursuant to § 154-09-004. Any deviation from the general requirements shall be reviewed by the Public Works Director or Town Engineer to insure adequate safety. The Public Works or Community Development representative(s) shall provide a written report to the Planning and Zoning Commission with a recommendation to approve, disapprove, or amend a request to modify the general requirements.

(A) Parking spaces shall be at least nine feet in width by nineteen feet in depth, unless specified in this Code, or otherwise required by the Americans with Disabilities Act.

(1) Where parking spaces overhang oversized sidewalk or curbed landscape areas, the depth of the parking space may be reduced by up to two feet.

(B) Parking requirements based on floor areas, shall use the gross building floor area used by, or serving, people in connection with the use.

(1) Parking area calculations shall not include floor areas designed as parking facilities, incidental storage, or related accessory space, unless otherwise stated in this Code.

(2) Where parking spaces are referenced to seats, each 18 inches of pew width may be considered as one seat.

(3) If required parking is located on a lot other than the one it serves, or adjacent property permitting such parking, a recorded parking agreement shall be obtained required and approved by the Community Development Director. Once approved, the parking facilities shall be maintained in accordance with this Code.

(4) In the case of mixed uses, the total parking requirements shall be the sum of the requirements of the various uses computed separately.

(C) All parking lots shall be entered and exited in a forward motion of the vehicle.

(D) Driving aisles shall meet the access standards established in § 154-02-003(A)(4)(d).

(E) In any zoning district, other than R1, the area of the parking space and access shall be surfaced with concrete or asphalt to prevent dust and erosion according to adopted Town Construction Standards or as approved by the Public Works Department.

(F) Floor areas shall mean the gross floor area and/or the open land area used for service to the public as customers, patrons, clients, or patients, including areas occupied by fixtures and equipment used for display or sale of merchandise. It shall not mean floors or parts of floors used principally for non-public purposes, such as storage, automobile parking, incidental repair, processing or packaging of merchandise, show windows, or for offices incidental to the management or maintenance of stores or buildings, or to rest rooms.

(G) Any lights used to illuminate parking space in a Commercial District shall be so arranged as to comply with § 154-03-002.

(H) Except where a wall is required, a minimum six inch high curb or bumper guard shall be constructed so that no part of the vehicle shall extend beyond the property line. The use of natural vegetation and landscaping is required as described in § 154-03-001 through 154-03-005 and §154-02-014.

(I) Whenever a building permit has been granted and the plans so approved for off-street parking, the subsequent use of such property shall be deemed to be conditional upon the unqualified continuance and availability of the parking provisions contained in such plans. Any use of such property in violation hereof shall be deemed in violation of this Code.

(J) No addition or enlargement of an existing building or use shall be permitted unless parking requirements of this Code are met for the entire building or use.
(K) In the case of mixed use, the total requirements for off-street parking space shall be the sum of the requirements of the various uses computed separately as specified in this section, and the off-street parking spaces for one use shall not be considered as providing the required off-street parking for any other use.
(L) There shall be no commercial parking lots in an R1- Single Family residential district, except in a walled or fenced, and landscaped RV and boat storage area for private use by subdivision residents.
(M) In any computations or fractions of parking space requirements, the total number of spaces required shall be rounded to the nearest whole number.
(N) On projects, other than single family dwelling units, one parking space shall be provided for guest parking for every ten units or fraction thereof.