

**Town of Payson  
Unified Development Code  
Section 15-08**

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**Adopted**

**By Ordinance #466**

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## 15-08 ADMINISTRATION

### 15-08-001 Purpose

The purpose of this section is to set forth the organization, powers and duties of the offices responsible for the administration of this Code.

### 15-08-002 Council

The Council shall have the following duties in the administration of the zoning provisions of this Code:

- A. Review, adopt, and amend the Master Plan for the Town of Payson, and other plans-deemed necessary upon recommendation from the Commission.
- B. Hear, review, and consider appeals from decisions of the Commission.
- C. Hear, review, and approve preliminary and final subdivision plats after recommendation from the Commission.
- D. Hear, review, and adopt amendments to the Zoning Map after recommendation from the Commission.
- E. Hear, review, and adopt amendments to the text of this Code upon recommendation from the Commission.
- F. Take such other action that the Council may deem necessary or desirable to implement the provisions of these regulations and the Master Plan.

## 15-08-003 Planning and Zoning Commission

The Commission shall primarily serve as an advisory body to the Town Council to direct growth and physical development of the Town in a sound and orderly manner for prosperity, health, safety, and welfare of citizens.

### A. Membership

1. The Commission shall be composed of seven members who shall be residents of the Town. The members of the Commission shall be appointed by the Mayor subject to the approval of the Council. These appointments shall be for a period of three years each with the terms of members so staggered that the terms of no more than three members shall expire in any one year. All members shall be appointed for full three year terms except that in the event of death or resignation of a member the vacancy may be filled for the unexpired term. The term of all members shall extend until their successors are qualified; except that three successive unexcused or unexplained absences from any regular or special meeting shall be grounds for termination at the will and pleasure of the appointing authority without the necessity of a hearing or notice, and such action shall be final.
2. All members shall serve without pay. Members of the Commission may be reimbursed for actual expenses incurred in connection with duties upon authorization or ratification by the Community Development Director and approval of such expenditures by the Town Manager.

### B. Officers

The Commission shall elect a chairman and vice-chairman from among its own members, who shall serve for one year and until their successors are elected and qualified. The chairman shall preside at all meetings and exercise all the usual rights, duties, and prerogatives of the head of any similar organization. The chairman shall have the power to administer oaths and to take evidence. The vice-chairman shall perform the duties of the chairman in the absence or disability of the chairman. Vacancies created by any cause shall be filled for the unexpired term by a new Council appointment.

### C. Meetings

The Commission shall provide in its rules for its meetings; that special meetings may be called by the chairman or in his absence the vice-chairman. In addition, any three members of the Commission may make written request to the chairman for a special meeting and in the event such meeting is not called, such members may call such special meeting in such manner and form as may be provided in the commission rules.

### D. Duties

It shall be the duty of the Commission to hold public hearings when necessary and make recommendations to the Council on all matters concerning or related to the creation of zoning districts and boundaries, the appropriate regulations to be enforced therein, the amendment of this Code, and any other matter within the scope of the zoning power.

1. To hear, review, and make recommendations to the Council regarding applications for amendments to the Master Plan and other planning documents.
2. To serve as an advisory body to the Council and to furnish to the Council through its secretary the facts concerning the adoption of any report or recommendation.
3. To initiate, hear, and review amendments to the Zoning Map in accordance with the provisions of Section 15-09 of this Code.

4. To initiate, hear, and review amendments to the Text of this Code.
5. To make investigations, maps, reports and recommendations in regard to the physical development of the Town of Payson.
6. To review and adopt a Master Plan for the Town and recommend to the Council any amendments or adoption of said document.
7. To hear, review and make recommendations to the Council regarding preliminary subdivision plats in accordance with rules and procedures of the subdivision regulations, and the final plat of a subdivision when required to do so.
8. To hear and review appeals from the decisions of the Zoning Administrator.
9. To make recommendations to the Council concerning programs for the improvements and financing of public works.
10. To approve or disapprove conditional use permits.
11. To approve or disapprove minor land divisions.
12. To hear, review and make recommendations to the Town Council regarding requests to abandon Town rights of way and easements.

## 15-08-004 Board of Adjustments

- A.** The Board, organized as provided under Ordinance No. 364 of the Town of Payson, shall, at its first meeting every January, elect a Chairman and Vice Chairman from among its appointed members, who shall preside at all meetings and hearings of the Board, decide all points of order or procedure and perform any duties required by law, ordinance or this Code. The term of the Chairman shall be one year and any member serving as Chairman shall be eligible for re-election and have the power to administer oaths and take evidence.
- B.** The Board of Adjustment shall have public meetings and minutes of its proceedings showing the vote of each member and records of its examinations and other official actions shall be filed in the office of the Board as a public record.

### **C. Duties and Powers**

1. A Board of Adjustment shall:
  - a. Hear and decide appeals from the decisions of the Zoning Administrator, or the Commission, and shall exercise such other powers as may be necessary or proper for the conduct of his business and adopt all rules and procedures necessary or convenient for the conduct of its business.
  - b. Hear and decide appeals in which it is alleged that there is an error in an order, requirement or decision made by the Zoning Administrator in the enforcement of this Code.
  - c. Hear and decide appeals for variances from the terms of the Zoning Section of this Code (15-02), only if, because of special circumstances applicable to the property, including its size, shape, topography, location, or surroundings the strict application of the Zoning provisions of this Code in Section 15-02, will deprive such property of privileges enjoyed by other property of the same classification in the same zoning district. Any Variance granted is subject to such conditions as will assure that the adjustment authorized shall not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone in which property is located.
  - d. Reverse or affirm, wholly or partly, or modify the order, requirement or decision of the Zoning Administrator, or Commission, appealed from, and make such order, requirement, decision or determination as necessary.
2. A Board of Adjustment may not:
  - a. Make any changes in the uses permitted in any zoning classification or zoning district, or make any changes in the terms of the Zoning provisions of this Code, provided the restriction in this paragraph shall not affect the authority to grant Variances pursuant to this Code and Article 6.1 of Chapter 4 of Title 9, Arizona Revised Statutes.
  - b. Grant a Variance if the special circumstances applicable to the property are the result of actions taken by the property owner or previous property owner.

**15-08-005 Development Services Committee**

- A.** The Development Services Committee shall consist of the following members or their appointed representatives; Chief Building Inspector; Public Works Department; Town Engineer; Transportation Administrator; Town Clerk; Zoning Administrator; Community Development Director; Fire Chief; and Town Manager.
- B.** The Development Services Committee shall meet as often as is necessary for the purpose of reviewing subdivision tentative plats, minor land divisions, applications for rezoning or text amendments, variance applications, commercial development projects, business license applications, and conditional use permits.
- C.** The Town Manager or his designee shall act as Chairman for the Development Services Committee.
- D.** The primary purpose of the Development Services Committee is to provide the developer or applicant all design guidelines which should be incorporated into the application review process. Written correspondence will be provided to the applicant advising them of the issues which should be incorporated into the process of approval.
- E.** The Development Services Committee will approve, disapprove or approve with conditions requests for a Business License. All other functions as described in section B above shall be in the form of recommendations to the appropriate reviewing body, and the applicant.

## **15-08-006 Community Development Department**

The Community Development Department will have the following powers and duties:

- A.** To serve as the Planning Agency per Statutory provisions, and administer all official planning, zoning, subdivision, and building regulations as provided in this Code.
- B.** To develop a Master Plan, any area or specific plans, and Capital Improvements Plan, and to submit such plans, including amendments thereto, to the Commission and the Council as may be required by applicable provisions of this Code.
- C.** The Community Development Director or designated representative(s) shall serve as Zoning Administrator(s) for the Town, and shall be authorized to enforce all zoning related matters as provided for in this Code.
- D.** To interpret and administer the Zoning and Subdivision regulations and the related policies established by the Council.
- E.** To establish forms and processes for the administration and review of map amendments, conditional uses, variances, subdivision plats, text amendments, and appeals.
- F.** To conduct pre-application conferences prior to submission of applications for map and text amendments, conditional uses and variances.
- G.** To accept, review, and make recommendations regarding map amendments.
- H.** To accept and process appeals applications.
- I.** To provide staff to facilitate all public hearing requirements necessary under the provisions of these regulations.
- J.** To review and decide applications for building permits for compliance with the provisions of these regulations and ensure that the actual construction is in accordance with these regulations.
- K.** To review applications for certificates of occupancy, including conditional certificates of occupancy in accordance with this Code.
- L.** To enforce the provisions of this Code as applicable to Community Development.
- M.** To make a yearly report to the Commission on conformity to the Town of Payson Master Plan.

**15-08-007 Public Works Department**

The Public Works Department shall have the following powers and duties:

- A. To review all design plans for infrastructure improvements to determine compliance with Council policy
- B. To determine appropriate rights-of-way widths and level of improvements needed.
- C. To distribute the preliminary plats to appropriate reviewing agencies and prepare a report of responses to the Planning and Zoning Commission and Town Council on infrastructure improvements.
- D. To participate in pre-application meetings with developers for new subdivisions.
- E. To prepare a report on final plats to the Town Council.
- F. To inspect all infrastructure improvements for new subdivisions to determine compliance with Council Policy, and prepare a report of acceptance to the Council.
- G. To review and determine appropriateness of cost estimates for infrastructure improvements.
- H. To enforce the provisions of this Code as applicable to infrastructure development.
- I. To review and recommend acceptance of assurance agreement for infrastructure improvements to the Council.

**15-08-008 Administrative Relief**

- A. The Community Development Director may authorize administrative relief to the property owner, only if necessary, of up to ten percent of any development standard unless specifically restricted elsewhere in this Code if:
  - 1. An application by the property owner, on a form prescribed by the Community Development Director, has been submitted;
  - 2. Notice, by first class mail, postmarked at least five days prior to the determination to adjacent property owners determined by the Community Development Director as potentially affected by the request;
  - 3. The proposed improvement requiring relief will not be detrimental to the property requesting relief, any adjacent property owner or the Town;
  - 4. The relief granted is the minimum required to meet the needs of the proposed improvement; and
  - 5. The relief shall not be contrary to the purposes and intent of this Code.
- B. Any relief authorized by the Community Development Director will be documented with findings consistent with the standards above, and filed with the building permit records, subdivision case file, or other department files, as appropriate.