

**Town of Payson
Unified Development Code
Section 15-09**

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This Unified Development Code and/or any other documents that appear in this version of the UDC may not reflect the most current legislation adopted by the Municipality. Any updates or revisions can be found on the Town's website as they become available.

15-09 PROCEDURES

15-09-001 Purpose

The purpose of this section is to provide for the orderly processing of applications and requests according to the administrative entities cited in Section 15-08 of this Code.

15-09-002 Applicability

The development review procedures set forth in this section establish the standards for review and approval of all proposed development of property within the Town.

15-09-003 Building Permits

A. The purpose of this section is to classify "permitted uses" in accordance with this Code, in order to ensure that development in the Town is within acceptable construction standards and is compatible with adjacent land uses that are in conformity with this Code.

B. Permits Required

1. No development or establishment of a permitted use shall be allowed until the applicant has obtained a Building Permit from the Community Development Department. In "Trailer" and "Mobile" home parks a Building Permit is required for installing manufactured homes and park model homes and for alterations and additions thereto. If trailer and mobile home parks have sites for RV usage, these spaces must be designated by the park and approved by the Town. Where the parks have approved RV sites, no Building Permit is required, however, no structural additions or alteration may be made to the RV, the utilities can not be permanently affixed and the RV shall remain mobile.
2. A Building permit shall not be issued unless the application for development approval complies with the provisions of these regulations and other applicable Town Codes.
3. No Building Permit shall be issued in a new subdivision until all improvements have been accepted by the Council.

C. Application Requirements

Building Permit applications shall be submitted to the Building Department and shall provide:

1. A site plan drawn to scale, showing; the exact size in acres and/or square feet, shape and dimension of each lot to be built upon; exact size and location on the lot of existing buildings and structures; exact size and location of proposed buildings to be erected, altered or moved; identification of all drainage, easements, and right of ways; size, arrangement, number of parking facilities, traffic movement, and location of ingress and egress.
2. A declaration of the existing and intended use of each existing and proposed building or structure on the lot and the number of families and housekeeping units which each existing building is designed to accommodate.
3. Any additional information as requested relating to the proposed improvement needed to determine compliance with this Code.
4. All required structural, electrical, mechanical, plumbing, civil engineering and other drawings and documents necessary to meet the requirements of the current Building Code, Plumbing Code, Mechanical Code, Fire Code, Electric Code and other Codes adopted by the Town.

D. Review

1. Applications for Building Permits shall be submitted to the Building Department for review by the Building Official for compliance with all building codes.
2. The Building Official shall forward a copy of the permit application along with the site plan to the Zoning Administrator and other Town Departments for review in compliance with all applicable regulations.
3. The applicant shall provide evidence of an approved means of sanitary disposal as permitted by the appropriate agency, such as; Northern Gila County Sanitary District, Gila County Health Department, Arizona Department of Environmental Quality.

E. Final Decision

The Building Department shall make its decision to issue a building permit within the time lines prescribed by the Community Development Director either by issuing the permit or requesting the applicant to complete the compliance requirements.

F. Effect of Approval

The issuance of a Building Permit authorizes the holder to commence construction in accordance with the terms of the permit. The applicant will be required to follow the procedures of this section for any additional permits or approvals in order to complete the development and occupancy requirements for the subject property.

15-09-004 Conditional Use Permit

A. Purpose and Intent

Every zoning district contains certain buildings, structures and uses of land that are normal and complementary to allowed uses in the district, but are often incompatible with adjacent activities and uses by reason of their typical physical or operational characteristics, influence on the traffic function of adjoining streets or similar conditions.

It is the intent of this section to permit Conditional Uses in appropriate zoning districts, but only in specific locations within such districts that can be designed and developed in a manner which assures maximum compatibility with adjoining uses.

It is the purpose of this section to establish principles and procedures essential to proper guidance and control of such uses. Conditional uses shall be compatible with land uses permitted in a zoning district, and may require the imposition of specific conditions in order to ensure that the number of such uses, their location, design and configuration as may be determined by the Planning and Zoning Commission. Only uses which are authorized as conditional in Section 15-12 of this Code may be approved as conditional uses. Each proposed conditional use shall be evaluated by the Commission for compliance with the standards and conditions set forth in this section and for each zoning district.

B. Application and Review Process

1. An application for a Conditional Use Permit shall be submitted along with the required number of development plans to the Community Development Director on forms provided by the Town with all the supporting applicable requirements of Sections 15-09-008 and 15-09-009.
2. Each application shall be reviewed by the Community Development Director in conjunction with other appropriate Town Departments. The Director shall forward a staff report and recommendation to the Commission.
3. The Commission shall hold a Public Hearing on the application for the Conditional Use Permit, approving with or without conditions, or disapproving the application within 30 calendar days of the public hearing unless additional time is necessary and shall forward its decision to the applicant in writing.

C. Standards of Review

To ensure that the proposed use will be compatible with the surrounding area, to ensure the provision of the appropriate off-site improvements and that any modification of the development plan imposed by the Commission will be complied with, a Conditional Use Permit shall be issued only when the Commission finds that the applicant has adequately addressed the following:

1. Access and Traffic; pedestrian, bicycle and vehicular circulation
2. Noise, light, visual, litter and other pollutants
3. Buffering provisions
4. Impact on public utilities
5. Signage and outdoor lighting
6. Compliance with General Plan
7. Dedication and development of streets adjoining the property
8. Impact on historical/archeological or natural sites
9. Impact on the native vegetation and ecological character of the site
10. Water and air pollution, such as fill, dust, and smoke
11. Any other factors necessary to assure that the proposed use is compatible and not detrimental to the surrounding land uses.

D. Decision, Effect, Appeal

1. Decision

The Commission may disapprove or approve with conditions an application for a Conditional Use Permit. The conditions may include, but are not limited to:

- a. Limitations on size, bulk and location of structures
- b. Requirements for additional landscaping or buffering
- c. Provisions for adequate ingress and egress
- d. Duration of the permit
- e. Hours of operation
- f. Time limits on the issuance of a certificate of occupancy. An extension may be granted by the Commission and shall be valid for a maximum of six months.
- g. Mitigation of **any** adverse impacts
- h. Any other condition that furthers the General Plan or policies adopted by the Council

2. Effect of Approval

- a. Issuance of a permit for a Conditional Use shall apply only to the particular use and site plan for which issued, and such approval shall be deemed to run with the land. The applicant shall be required to follow the provisions of this section for any additional applicable permits prior to proceeding with development or implementation of additional uses for subject property.
- b. All such conditions and approvals shall be binding on the applicant(s), their successors and assigns. The applicant shall also be required to sign the Conditional Use Permit, have it notarized and recorded by the Town in the office of the Gila County Recorder.

3. Appeals

Any person aggrieved by a decision of the Commission to approve or disapprove a Conditional Use Permit may file a letter of appeal to the Council within 30 calendar days of the decision. If a decision of the Commission on a Conditional Use Permit is appealed, the Town Council shall conduct a public hearing as soon as is reasonably practical in accordance with provisions of Section 15-09-009. The Town Council may reverse, affirm or modify the decision of the Commission following the conclusion of the public hearing.

E. Compliance Review

The Community Development Director shall review all Conditional Use Permits and report to the Commission if the conditions of the permit have not been met. If the conditions have not been met the Commission shall notify the permit holder and shall set the matter for a public hearing. If at the conclusion of the public hearing the Commission finds that the conditions have not been met the Conditional Use Permit may be modified or revoked.

A. Purpose

The purpose of a temporary use permit is to permit one-time or short-time use of land such as a special event, farmer's market, carnival, swap meet, or other similar event. Temporary Use Permits shall be required to protect the health, safety and general welfare of the citizens of Payson.

B. General Requirements

1. Temporary uses shall be compatible with land uses permitted in the respective zoning district, and may require the imposition of specific conditions by the Community Development Director in order to ensure that the uses, their location, design and configuration are compatible with parking, traffic circulation and congestion, environmental quality, public health and safety, welfare of the community, and do not create a nuisance.
2. The Temporary Use Permit may be revoked without notice in the event the conditions of the permit have been violated.
3. An applicant will be limited to one temporary use permit per year per location.
4. The applicant shall be the owner or lessee of the property or have written permission from the owner of lessee.
5. The applicant shall submit the application fee (non-refundable) along with the application. If the temporary use permit is approved, the applicant shall pay the appropriate permit fee according to the fee schedule, as adopted by the Town Council, prior to the dates of the temporary use permit.

C. Application

Applications for Temporary Use Permits shall be submitted to the Community Development Department along with the following information:

1. Address or location of proposed use.
2. Existing and intended use or uses.
3. Names and addresses of all property owners within 100 feet on the temporary use site, and evidence that each of the property owners have been informed of proposed use.
4. Submittal of site plan with required site information and such additional information as required by the Community Development Director.

D. Review and Approval

1. An application for a Temporary Use Permit shall be submitted along with the site plan to the Community Development Director on forms provided by the Town, and shall be reviewed by the Director in conjunction with other appropriate Town Departments. The Community Development Director shall make a decision on issuance of the permit after allowing ten days for public comment.
2. The Community Development Director shall consider the following and establish any conditions necessary and appropriate to the permit, or may deny the permit after review according to the following factors:
 - (1) Access; and Traffic; pedestrian, bicycle and vehicular circulation
 - (2) Noise, light, visual, litter and nuisances
 - (3) Signage and outdoor lighting

- (4) Impact on neighborhood
 - (5) Impact on native vegetation and ecological condition of the site
 - (6) Water and air pollution, such as fill, dust, and smoke. Modification of the site plan imposed by the Commission shall be complied with.
 - (7) Existence and impact of any other temporary use or conditional permits on or near the subject site.
3. Appeals: Any person aggrieved by a decision of the Community Development Director may appeal to the Council within 15 calendar days of the decision. The Council may reverse, affirm or modify the decision of the Community Development Director.

E. Duration

1. A Temporary Use Permit shall be assigned specific dates and times for the requested event, and the permit shall be good only for those dates and times at the assigned location. During operation of the event, the permit must be posted in a location visible to the public. For event series that require multiple dates, such as a farmer's market, or concert series, more than one date may be included on a single permit.
2. A temporary use permit shall be for a maximum of two weeks or six non-consecutive days per year, however actual time frame allowances are at the discretion of the Community Development Director or his designee, when dealing with non-commercial activities or activities of community wide benefits.
3. Two extensions of up to 14 consecutive days may be granted for commercial activities at the discretion of the Zoning Administrator provided all conditions have been met, no validated complaints have been received and the current fee is paid for each extension.

A. Purpose

The purpose of a Variance procedure is to provide a means whereby the literal terms of this Code need not be applied where there are practical difficulties or unnecessary hardships so that the spirit of this Code shall be observed, public safety and welfare secured, and substantial justice done.

B. Application

1. An application for a variance shall be filed with the Community Development Department, on forms provided.
2. An application for a variance shall only be initiated by a property owner, an agent authorized by the owner or a person having a written contractual interest in the affected property. Proof of ownership of the subject property or a notarized "authorized agent" form shall be required.
3. A complete Town application form may require; a site plan, depicting the special circumstance or location of the deviation from district standards, a detailed description of the request or the specific grounds for an appeal of a Community Development Department decision.
4. A 300' radius map of the subject property and surrounding properties within 300' of the subject property boundaries shall be required.
5. The application shall contain an accurate, verified list, made within the previous 30 days, giving the names and addresses of all the owners of all properties lying within the area of the proposed change and of all properties any part of which is within 300 feet of the proposed change. The list shall be furnished at the applicant's expense and may be rejected by the Commission for incomplete or inaccurate information. Pre-addressed stamped envelopes to such property owners shall be required. Note: stamped envelopes may be waived, if pre-addressed mailing labels are submitted.
6. Four (4) sets of the site plan (8.5" x 11" or 11"x 17") drawn to scale and accuracy, commensurate with it's purpose, shall be required. As a site plan is specific to a particular situation, the applicant shall confer with the Community Development Department to determine the information required. (i.e. locations of structures and buildings, building floor plans, elevations, parking areas and accesses, trees and vegetation, signage, drainages, etc.)
7. The application shall be accompanied by payment of the appropriate fee on the schedule of such charges as adopted by the Council. When a variance request is for a deviation from district standards, none of such fees shall be refundable. When appeals are made of a Community Development Department decision(s), the Board of Adjustments shall have the discretion to refund all, a portion, or none of the application filing fee.

C. Staff Review

An application for a variance authorized under the provisions of this section shall be submitted to the Community Development Director and shall be reviewed by the Board of Adjustments within 30 calendar days of receipt of the complete application. The Director shall submit the application and a written report to the Board of Adjustments with a recommendation on whether the variance should or should not be granted or modified.

D. Board of Adjustments Decision

The Board of Adjustments shall hold a public hearing within the 30 day period referred to in item C above. At the conclusion of the Public Hearing the Board shall have reviewed the standards as set forth below, the testimony at the hearing and the record. The Board of Adjustments may grant a variance according to specified conditions or deny the variance.

E. Standards for Granting a Variance

A variance shall be granted only under the following:

1. Due to special circumstances applicable to the property, including its size, shape, topography, location, or surroundings, the strict application of these regulations will deprive such property of privileges enjoyed by other property of the same classification in the same zoning district.
2. That a grant of a variance will be subject to conditions as will ensure that the adjustment authorized will not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone in which such property is located.
3. The special circumstances applicable to the property are not self-imposed by any person presently having an interest in the property.
4. The variance will not allow the establishment of a use which; is not otherwise permitted in the zoning district; would result in the extension of a non-conforming use; would change the zoning classification of any or all of the property.

15-09-007 Administrative Appeal

The purpose of this section is to allow appeals from the decisions of administrative officers to ensure that the regulations in this Code are administered consistently with the policies adopted by the Council.

A. Building Code Appeals:

Building Code appeals shall be in accordance with the current Building Code.

B. Zoning Appeals:

Appeals to decisions made by the Community Development Director shall be heard by the Board of Adjustments. Appeals may be made by any person aggrieved by any officer, Board, or department, of the Town affected by any decision or interpretation made by the Community Development Director while administering this Code.

1. Requests to appeal the decision of the Community Development Director shall be made on an application form specifying the grounds for the appeal with the required documentation as specified by the Community Development Director. Appeals shall be filed within 30 calendar days of the date of the decision or interpretation.
2. Any appeal, unless otherwise provided by law, shall stay all proceedings in the manner appealed from, unless the Community Development Director certifies that a stay would cause imminent peril to life or property.
3. The Board of Adjustments shall fix a reasonable time for hearing the appeal, and shall give notice of hearing by both publication in a newspaper of general circulation in accordance with 9-462.04 of the Arizona Revised Statutes and posting the notice in conspicuous places close to the property affected.
4. Findings by the Board of Adjustments
When considering an appeal of a decision or interpretation made by the Community Development Director, the Board of Adjustments shall make its determination based on the following findings:
 - (a) The Community Development Director did or did not evaluate all relevant provisions of this Code;
 - (b) The Community Development Director did or did not consider all relevant information related to the decision or interpretation;
 - (c) The Community Development Director's decision was in error.
5. If the Board of Adjustments determines that the decision or interpretation made by the Community Development Director was in error, the resulting decision by the Board shall not constitute an amendment to this Code by permitting a use not otherwise allowed, or waive the development standards of the zoning district in which the property is located.

The Council may from time to time as public necessity, convenience, general welfare and good planning practice requires change the district boundaries or amend, change, repeal or supplement the regulations herein established. Such changes or amendments may be initiated by the Council, the Commission, staff, or by application of one or more owners of real property within the area proposed to be changed.

A. Applications for Amendments.

Applications for change of district boundaries or for amendment of this code shall be filed with the Community Development Director or his/her designee. In the case of an application requesting a zoning district change, which includes other property in addition to that owned by the petitioner, the application shall include the signatures of the real property owners representing at least seventy-five (75) percent of the land in the area proposed to be changed. Applications shall be filed on a form provided for the purpose and shall include:

1. A detailed narrative justifying the application.
2. A map showing the particular property or properties for which the change of zone is requested and substantially the adjoining properties and the public streets and ways within a radius of three hundred (300) feet of the exterior boundaries thereof.
3. A Development Plan which shall show the following:
 - (a) Topographical description showing existing and proposed grades and drainage systems and natural and man made features with indication as to which one(s) are to be retained and which one(s) are to be removed or altered.
 - (b) Proposed street system.
 - (c) Proposed block layouts.
 - (d) Proposed reservation(s) for parks, parkways, playgrounds, recreation areas and other open spaces.
 - (e) Off-street parking space.
 - (f) Types and uses of structures.
 - (g) Locations of structures, garages and/or parking spaces.
 - (h) A tabulation of the total number of acres in the proposed project and a percentage thereof designated for the proposed structures.
 - (i) Preliminary plans and elevations of the structure types.
4. A true statement revealing any restrictions of record that would affect the requested uses of the property and the dates of expiration thereof.
5. Such photographs, drawings and other supporting documents, as the applicant may desire to present.
6. A Citizens Participation Report as required in Section 15-09-013.
7. Payment of a filing fee in an amount established by a schedule adopted by resolution of the Council and filed in the offices of the Town Clerk. No part of the filing fee shall be returnable. Payment of filing fee shall not be applicable when the applicant is the Council or Commission or when the Town, County, State or Federal Government initiates the change

or amendment.

8. A legal description of the subject property.
9. The Community Development Director or his/her designee shall determine the format and quantities of all documents to be submitted.

B. Commission Action.

1. Upon receipt of any complete application for amendment, the Community Development Director or his/her designee on behalf of the Commission shall fix a reasonable time for the hearing of the proposed zone change or amendment and shall give notice in the manner as specified in Section 15-09-009. The Commission may continue such hearing to a date certain.
2. The Community Development Director or his/her designee shall submit a report and recommendation to the Commission prior to the scheduled public hearing.
3. The Commission shall review any application based on the Town of Payson General Plan, Unified Development Code, other applicable Town codes, ordinances and policies and sound land use planning principles.
4. Within thirty (30) days after the close of the hearing, the Commission shall render and forward its decision to the Council.
5. The Commission may vote to withdraw any Commission initiated amendment, prior to its submission to Council.

C. Council Action.

1. Upon receipt of the Commission's recommendation, the Council shall hold at least one public hearing after providing notice as specified in Section 15-09-009.
2. The Council may require conditions as may be appropriate based on (1) the Town of Payson General Plan, Unified Development Code, other applicable Town codes, ordinances and policies and (2) sound land use planning principles.
3. The Council may approve a change of zone conditioned upon a schedule for development of the specific use or uses for which rezoning is requested. If at the expiration of this period the property has not been improved for the use for which it was conditionally approved, the Council, after notification by certified mail to the owner and applicant who requested the rezoning, shall schedule a public hearing to take administrative action to extend, remove, or determine compliance with the schedule for development or take legislative action to cause the property to revert to its former zoning classification.
4. If the owners of 20% or more either of the area of the lots included in a proposed change, or of those immediately adjacent in the rear or any side of the lot extending 150 feet, or of those directly opposite of the lot extending 150 feet from the street frontage of the opposite lots, file a protest in writing against a proposed amendment, it shall not become effective except by the favorable vote of three-fourths of the members of the Council. If members of the Council are unable to vote on the issue because of conflict of interest, then the required number of votes for passage of the question shall be three-fourths of the remaining membership of the governing body, provided that such required number of votes shall in no event be less than a majority of the full membership of the Council.

A. Public Hearings Required.

The Planning and Zoning Commission shall hold a public hearing as required by this code and state law.

B. Notice Content.

The notice shall include the time and place of the hearing, a general explanation of the matter to be considered and a general description of the area affected,

C. Manner of Noticing.

Notice shall be given at least fifteen (15) days before the hearing in the following manner:

1. The notice shall be published at least once in a newspaper (as defined in Title 39, Chapter 2 of the Arizona Revised Statutes) of general circulation.
2. In proceedings involving rezoning of land that abuts other municipalities, unincorporated areas of the county or a combination thereof, copies of the notice shall be transmitted to the planning agency of the governmental unit abutting such land.
3. In any proceedings involving rezoning of land which may change the zoning classification, notice by first class mail shall be sent to each real property owner, if not the applicant, of the area to be rezoned and to all real property owners within three hundred (300) feet of the property to be rezoned, as shown on the last assessment of the property.
4. In proceedings involving one or more of the following proposed changes or related series of changes in the standards governing land uses, notice shall be provided in the manner prescribed by subsection 5.
 - (a) A ten percent (10%) or more increase or decrease in the number of square feet or units that may be developed.
 - (b) A ten percent (10%) or more increase or reduction in the allowable height of buildings.
 - (c) An increase or reduction in the allowable number of stories of buildings.
 - (d) A ten percent (10%) or more increase or decrease in setback or open space requirements.
 - (e) An increase or reduction in permitted uses.
5. In proceedings governed by subsection 4 of this section, the Town shall provide notice to real property owners pursuant to at least one of the following notification procedures:
 - (a) Notice shall be sent by first class mail to each real property owner, as shown on the last assessment, whose real property is directly governed by the changes.
 - (b) If the Town issues utility bills or other mass mailings that periodically include notices or other informational or advertising materials, the Town shall include notice of such changes with such utility bills or other mailings.
 - (c) The Town shall publish such changes prior to the first hearing on such changes in a newspaper (as defined in Title 39, Chapter 2 of the Arizona Revised Statutes) of general circulation. The changes shall be published in a "display ad" covering not less than

one-eighth (1/8) of a full page.

6. If notice is provided pursuant to subsection 5 (b) or (c) above, the Town shall also send notice by first class mail to persons who register their names and addresses with the Town as being interested in receiving such notice.
7. Posting on or near the subject site shall be required not less than fifteen (15) days prior to the hearing. The posting shall set forth the time and place of the hearing including a general explanation of the matter to be considered and a general description of the area affected.
8. Notice shall be posted in three public places.
9. In addition to the notification methods described above, the Town may give notice of the hearing in such other manner as it may deem necessary or desirable.

A. Platting Procedures and Requirements

1. Outline of Procedures
2. Stage I - Pre-Application Conference
3. Stage II - Preliminary Plat
4. Information Required for Preliminary Plat Submittal
5. Stage III - Final Plat
6. Information Required for Final Plat Submittal

B. Outline of Procedures

The preparation, submittal, review, and approval of all subdivision plats located inside the limits of the town shall proceed through the following progressive stages:

1. Stage I - Pre-application conference, with a tentative plat submittal, followed by a utility meeting
2. Stage II - Preliminary Plat
3. Stage III - Final Plat

C. Stage I - Pre-application Conference

1. Actions by the Subdivider:

The subdivider shall meet informally with the Planning and Zoning Commission to present a general outline of his proposal, including, but not limited to:

- a. Sketch plans and ideas regarding land use, street, and lot arrangements, tentative lot sizes.
 - b. Tentative proposals regarding water supply, sewage disposal, surface drainage and street improvements.
 - c. An application fee of 25 dollars shall be paid at the time of filing the request for the pre-application conference.
2. The Planning and Zoning Commission shall discuss the proposal and provide the subdivider with advice on procedures, design, improvement standards, and plat requirements. Depending on the scope of the proposed development, the Planning and Zoning Commission shall:
 - a. Check existing zoning of the tract and make recommendations if a zoning change is necessary or desirable.
 - b. Determine the adequacy of existing or proposed schools, parks, and other public amenities.
 - c. Inspect the site or otherwise determine its relationship to major streets, utility systems, and adjacent land uses and to determine any unusual problems such as topography, utilities, flooding, etc.
 - d. Determine the need to prepare a development master plan prior to consideration of a preliminary plat and advise the subdivider if a development master plan is required and to what extent it shall be prepared by the developer.
 - e. Assign a case number.

3. Development Master Plan: The Planning and Zoning Commission shall use the following guidelines in establishing the need for a development master plan; the tract is sufficiently large to comprise an entire neighborhood; the tract will be developed in multiple phases; the tract initially proposed for platting is only a portion of a larger land area, the development of which is complicated by unusual topographic, utility, land use, land ownership, or other conditions. The entire land area need not in this case be under the subdivider's control.
 - a. Preparation: The DMP shall be prepared to scale and accuracy, commensurate with its purpose, and shall include:
 - (1) General street pattern, with particular attention to collector streets and future circulation throughout the neighborhood.
 - (2) General location and size of school sites, parks, dedicated open space or other public areas.
 - (3) Location of shopping centers, multi-family residential or other proposed land uses.
 - (4) Methods proposed for sewage disposal, water supply, and storm drainage.
 - b. Approval: Upon acceptance of general design approach by the department, the DMP may be submitted to the Commission and Council for their consideration. If general approval is given, notice to that effect shall be recorded in the minutes of both bodies, and a copy of the minutes transmitted to the subdivider and his engineer. If development is to take place in several parts, the DMP shall be kept up-to-date by the subdivider and the department as modifications take place.
4. Reservation of Certain Areas: Subject to requirements therefore as shown by the general comprehensive plan or development master plan, land area within a subdivision shall be reserved for parks, recreational facilities, school sites, open space and fire stations as follows:
 - a. This requirement may be imposed upon preliminary plats filed at least 30 days after the adoption of the general or specific plan affecting the land area to be reserved.
 - b. Required reservations must be in accordance with the principles and standards applicable to the plan involved.
 - c. The land area reserved shall be of such a size and shape as to permit the remainder of the land area of the subdivision within which the reservation is located to develop in an orderly and efficient manner.
 - d. The land area reserved shall be in such multiples of streets and parcels as to permit an efficient division of the reserved area in the event that it is not acquired within the prescribed period.
 - e. The public agency for whose benefit an area has been reserved shall have a period of one year after the recording of the final subdivision plat to enter into an agreement to acquire such reserved land area. The purchase price shall be the fair market value thereof at the time of the filing of the preliminary subdivision plat plus the taxes against such reserved area from the date of the reservation, and any other costs incurred by the subdivider in the maintenance of such reserved area, including interest cost incurred on any loan covering such reserved area.

- f. If the public agency for whose benefit an area has been reserved does not exercise the reservation agreement set forth in paragraph 5 above within a one-year period or such extension of time as may be mutually agreed upon by such public agency and the subdivider, the reservation of such area shall terminate.
- g. Any special tree and conservation sites or other open space consistent with the tree and plant conservation plan provisions of 15-03-003.

D. Stage II - Preliminary Plat

The preliminary plat stage of land subdivision includes detailed subdivision planning, submittal, review and approval of the preliminary plat. To avoid delay in processing his application, the subdivider should carefully provide the department with all information essential to determine the character and general acceptability of the proposed development.

1. Zoning: The subdivision shall be designed to meet the specific requirements for the zoning district within which it is located; however, in the event that amendment of zoning is deemed necessary, the rezoning shall be initiated by the property owner or his authorized agent in accordance with the zoning provisions of this Code. The department shall not proceed with processing of the preliminary plat until the Council has approved the zoning application.
2. Sanitary Sewerage, Water Supply, Grading, and Drainage: As a prerequisite of preliminary plat review by the department, the subdivider shall have informed the Arizona department of Health Services and the department of his tentative plans and learned the general requirements for sewage disposal, water supply, grading, and drainage as applied to his location.
3. Preliminary Plat Submission:
 - a. Twenty copies of the preliminary plat and required supporting data prepared in accordance with requirements set forth in Section 15-09-010 (E) and 15-07-002 of this Code shall be filed with the department at least fourteen days prior to the commission meeting at which the subdivider desires to be heard. Copies of the preliminary plat shall be reproduced in the format of blue line or black line prints on a white background. One 8 1/2" x 11" transparent film positive reproduction and twenty 8 1/2" x 11" prints of the preliminary plat shall also be filed within five days of the date upon which the preliminary plat was filed. Scheduling of the case for commission hearing shall be dependent upon adequacy of data presented and completion of processing.
 - b. The submittal shall be checked by the department for completeness; if incomplete as to those requirements set forth in Section 15-09-010 (E), the submittal shall be rejected and the subdivider notified within five days of the date the map was received.
 - c. The submittal must be accompanied by a compliance agreement whereby the subdivider agrees to comply with the Uniform Standard Specifications for Public Works Construction and Uniform Details for Public Works Construction, sponsored and distributed by the Maricopa Association of Governments. If the compliance agreement does not accompany the submittal, the preliminary plat submission will not be approved.
 - d. Filing Fee: To cover costs of examining and the processing of preliminary plats and field inspection related thereto, the subdivider shall, at the time of filing, pay to the Town \$250 plus \$25 per lot, tract or parcel.

- e. The filing fee shall not cover the filing of an amended or revised preliminary plat handled as the same case. At the time of filing of an amended or revised preliminary plat, the subdivider shall pay to the Town a filing fee of \$250. If preliminary plat approval expires prior to application for final approval, the plat shall be resubmitted for preliminary approval as a new case, and the subdivider shall be required to pay a new fee.
 - f. Two copies of a preliminary title report of the proposed subdivision.
4. Preliminary Plat Review:
- a. On receipt of the preliminary plat, the engineering department shall perform its review of the proposed street system, street plans, and compliance with Town street standards, tentative determination of street and drainage improvement and maintenance requirements and water and sewage disposal proposals.
 - b. The department shall distribute copies of the plat to the following reviewing offices:
 - (1) Public Works Department for review of drainage and flood control measures and street improvements.
 - (2) Planning director for compliance to public objectives, giving special attention to design principles and standards as set forth in Article 15-3 of this chapter; streets and thoroughfares as related to the town streets and highway plans and to neighborhood circulation; utility methods and systems; existing and proposed zoning and land use of the tract and its environs; and land required for schools, parks, and other public facilities.
 - (3) Parks and recreation department for recommendations regarding parks and recreation facilities.
 - (4) Police department and fire chief for review of features of proposed development relating to their respective areas of operation.
 - (5) Northern Gila County Sanitary District for review of sewage disposal proposals.
 - (6) Superintendent of the appropriate school district for his information.
 - (7) Where the lands abuts a state highway, to the Arizona Department of Transportation for recommendations regarding right-of-way and intersection design.
 - (8) United States postmaster at Payson, Arizona.
 - (9) The department shall distribute copies to interested utilities for information.
 - (10) The U.S. Forest Service, if the property abuts lands under the jurisdiction of the Forest Service.
 - c. The reviewing offices shall transmit their recommendations to the department in writing. The department receives and summarizes the review office recommendations, prepares a report, and presents it to the commission.
5. Preliminary Plat Approval:
- a. If the department report indicates requirements of this chapter have been met, the Commission shall consider the preliminary plat at a regular meeting within 30 days of the date of filing. Following review, the Commission shall forward the plat and recommendations to the Council. Drainage information shall be made available to the Commission upon request.
 - b. The Council shall consider the preliminary plat and the commission recommendations at the next regularly scheduled meeting after the commission hearing but, in any event, not sooner than one week after the commission hearing.

- c. The Council shall approve, disapprove, or conditionally approve the preliminary plat. The Town Clerk shall record the Council's action upon all ten copies of the preliminary plat and shall return one copy to each of the following: subdivider, subdivider's engineer, town engineer, planning department, and private utility companies, together with any conditions of approval.
6. Preliminary approval constitutes authorization for the subdivider to proceed with preparation of the final plat and the engineering plans and specifications for public improvements. Preliminary approval is based upon the following items:
 - a. The basic conditions under which preliminary approval of the preliminary plat is granted will not be substantially changed prior to expiration date.
 - b. Approval is valid for a period of twelve months from the date of Council approval.
 - c. Preliminary approval, in itself, does not assure neither final acceptance of streets for dedication nor continuation of existing zoning requirements for the tract or its environs, nor constitute authorization to record the plat.

E. Information Required for Preliminary Plat Submittal

1. Form of Presentation: The information hereinafter required as part of the preliminary plat submittal shall be shown graphically or by note on plans, or by letter, and may comprise several sheets showing various elements of required data. All mapped data for the same plat shall be drawn at the same standard engineering scale, said scale having not more than one hundred feet to an inch. Whenever practical, scale shall be adjusted to produce an overall drawing measuring 24" x 36" and not exceeding 42" x 60".
2. Identification and Descriptive Data:
 - a. Proposed name of subdivision and its location by section, township, and range: a descriptive tie, including dimensions and bearing, to an acceptable government corner with full description of the corner, including accessories, approved by the Planning and Zoning Commission.
 - b. Name, address, and phone number of subdivider.
 - c. Name, address, and phone number of engineer, surveyor, or land planner preparing plat.
 - d. Scale, north point and date of preparation including dates of any subsequent revisions.
 - e. A vicinity map which shall show the relationship of the proposed subdivision to main traffic arteries and any other facilities which might help to locate the subdivision. This map may be on the preliminary plat, but, if this is not practical, then a separate map showing title, scale, north point, and date shall be provided.
3. Existing Conditions Data:
 - a. Topography by contours or "spot elevations" related to USC&GS survey datum, or other datum approved by the Town engineer shown on the same map as the proposed subdivision layout. Contour interval shall be such as to adequately reflect the character and drainage of the land.
 - b. Location of water wells, streams, canals, irrigation laterals, private ditches, washes, lakes, or other water features; direction of flow; location and extent of areas subject to inundation, whether such inundation be frequent, periodic, or occasional.

- c. Location, widths, and names of all platted streets, utility right-of-way of public record, public areas, permanent structures to remain, including water wells, and municipal corporation lines within or adjacent to the tract. Two copies of a preliminary title report showing the above shall be submitted.
 - d. Name, book, and page numbers of any recorded adjacent subdivisions having common boundary with the tract.
 - e. By note, the existing zoning classification of the subject tract and adjacent tracts.
 - f. By note, the acreage of the subject tract.
 - g. Boundaries of the tract to be subdivided shall be fully dimensioned.
4. Proposed Conditions Data:
- a. Street layout including location, width, and proposed names of public streets, alleys, and crosswalks; connections to adjoining platted tract as per 15-07-002 (B).
 - b. Typical lot dimensions (scaled); approximate dimensions of all corner lots and lots of curvilinear sections of streets; each lot numbered individually; total number of lots.
 - c. Designation of all land to be dedicated or reserved for public use with use indicated.
 - d. If plat includes land for which multi-family, commercial, or industrial use is proposed, such areas shall be clearly designated together with existing zoning classifications and status of zoning change, if any.
 - e. Three copies of any proposed restrictive covenants (deed restrictions) within five days after the preliminary plat is filed.
5. Proposed Utility Methods:
- a. Sewage Disposal: It shall be the responsibility of the subdivider to furnish the Northern Gila County Sanitary District such evidence as that district may require to its satisfaction as to design and operation of sanitary sewage facilities proposed. A statement as to the type of facilities proposed shall appear on the preliminary plat.
 - b. Water Supply: Evidence of adequate volume and quality satisfactory to the water department and the town engineering department and substantiated by letter from the water and engineering department.
 - c. Storm Water Drainage and Disposal: Preliminary drainage calculations and layout of proposed system and location of outlets, all subject to approval by town engineer. Two copies of the drainage report, as required by this code, shall be submitted to the Town Engineer for review and approval.
6. Submittal Requirements for Hillside areas:
- In addition to submittal requirements for zoning and subdivision found elsewhere in the code the following information shall be submitted for staff review for all hillside areas.
- a. A topographic map of the existing terrain utilizing a scale no smaller than one inch equals one hundred feet, with contour intervals no greater than:
 - (1) Two foot intervals for slopes of twenty percent or less,
 - (2) Five foot intervals for slopes over twenty percent
 - (3) Show elevations of critical locations, rock outcrops and other special geological formations
 - b. The actual slope areas shown on the site shall be sealed by a civil engineer or land surveyor registered in the State of Arizona.
 - c. The location of all streets, utilities, driveways, and buildings.

- d. Lots or parcels where the slope is 15% or greater on at least 50% of the lot, shall be identified and, the following shall be noted on the tentative plat, preliminary plat and final plat: "The following lot(s) are subject to hillside development regulations, and any developments to be placed thereon shall be shown to conform to the requirements of the hillside regulations prior to the issuance of any building permits". (List identified lot or lots)

F. Stage III - Final Plat

This stage includes the final design of the subdivision, engineering of public improvements and submittal of the plat and plans by the subdivider, for review and for action by the Council.

1. Zoning: Zoning of the tract shall permit the proposed use, and any zoning amendment necessary shall have been adopted by the Council prior to filing of the final plat. Any application for rezoning of any subdivision, proposed subdivision or part thereof shall be governed by the zoning provisions of this Code and subject to the fees as required or authorized.
2. Easements: It shall be the responsibility of the subdivider to provide on the final plat, prior to plat recordation, such easements in such location and width as required for utility purposes. The following notation shall be placed upon all final plats:
"Construction within easements, except by public agencies and utility companies, shall be limited to utilities and wood, wire, or removable section-type fencing."
3. Final Plat Preparation: The final plat shall be prepared in accordance with requirements set forth in Section 15-09-010 (G) of these regulations and shall substantially conform to the approved preliminary plat.
4. Final Plat Submission:
 - a. The subdivider shall file with the department three Mylar transparencies and eight true copies thereof, together with a letter of transmittal and recordation fee, and a computer closure of the property, at least seven days prior to the Council meeting at which consideration is desired.
 - b. The subdivider shall submit with the copies required in this subsection a filing fee of five dollars per lot or tract.
 - c. The subdivider shall file a landscape plan with the final plat indicating fulfillment of the requirements of Article 15-07-002 (I).
 - d. The subdivider shall file the following with the final plat, indicating fulfillment of the requirements of article 15-07-002 and this chapter:
 - (1) Evidence of agency of the subdivider for owners.
 - (2) Performance contract, pursuant to Section 15-07-002.
 - (3) Letter of commitment of a bank, financial institution or bonding company of its willingness to provide assurance of construction, pursuant to section 15-07-002.
5. Final Plat Review:
 - a. The department, upon receipt of the final plat submittal, shall immediately record receipt and date of filing and check it for completeness. If complete, the department shall review the plat for substantial conformity to the approved preliminary plat and refer copies of the submittal to the following reviewing offices that shall make known their recommendations in writing addressed to the Council.
 - (1) Community Development Director, to approve final plat and landscaping.

- (2) Town Parks and Recreation Department, when applicable.
 - (3) Town Engineer for approval of street improvements, drainage, and flood control measures.
 - (4) Northern Gila County Sanitary District, Payson Fire Department, and Payson Water Department for approval of sewage disposal, water supply, and fire safety plans.
 - (5) Arizona Department of Transportation, for approval (where the plat abuts a state highway).
 - (6) Interested utility companies, for utility easements.
- b. The department shall assemble the recommendations of the various reviewing offices, prepare a concise summary of recommendations and submit said summary together with the reviewer's recommendations to the Council. In the event that the department finds that the final plat does not conform to the preliminary plat, as approved by the Council, then the final plat shall be submitted to the commission for review and recommendations prior to submittal to the Council.
6. Final Plat Approval:
- a. Upon receipt of a request for Council action from the department, the clerk shall place the case on the agenda of the next regular Council meeting, whereupon the Council shall approve or deny the plat.
 - b. If the Council rejects the plat for any reason whatsoever, the reasons therefore shall be recorded in the minutes.
 - c. If the Council finds approval of the plat, the clerk shall transcribe a certificate of approval upon the plat, first making sure that the other required certifications (see Sec. 15-09-010 (G) have been duly signed, that required easements for utility purposes have been included on the plat, that engineering plans have been approved by the Town Engineer, and that the approved assurance of construction, pursuant to Sec. 15-07-002 (J) (2), has been filed with the Town.
 - d. When the certificate of approval by the Council has been transcribed on the plat, the clerk shall record the approved final plat in the office of the County Recorder of Gila County.

G. Information Required for Final Plat Submittal

- 1. Method and Medium of Presentation:
 - a. The record plat shall be drawn in India ink on linen or other durable material and on a sheet conforming to proportions of 3 x 4. In certain unusual instances, as where the area to be subdivided is of unusual size or shape, the department may permit a variation in the scale of the final plat. If more than two sheets are required for the drafting of the final plan, an index sheet of the same dimensions shall be filed, showing the entire subdivision on one sheet and the portion thereof contained on each of the other sheets.
 - b. Copies of the record plat shall be reproduced in the form of blueline or blackline prints on a white background.
 - c. The final plat shall be drawn on an accurate scale of not more than one hundred feet to the inch, from an accurate survey. Where unusual platting conditions exist, the Planning and Zoning Commission may approve a modified scale.
- 2. Identification Data Required:

- a. A title which includes the name of the subdivision and its location by number of section, township, range, and county.
 - b. Name, address, and registration number of seal of the registered land surveyor preparing the plat.
 - c. Scale, north arrow and date of plat preparation.
3. Survey Data Required:
- a. Boundaries of the tract to be subdivided fully balanced and closed, showing all bearings and distances and mathematical calculations, determined by an accurate survey in the field. All dimensions shall be expressed in feet and decimals.
 - b. Any excepted parcels within the plat boundaries shall show all bearings and distances determined by an accurate survey in the field. All dimensions shall be expressed in feet and decimals thereof.
 - c. Location and description of cardinal points to which all dimensions, angles, bearings, and similar data on the plat shall be referenced. Each of two corners of the subdivision traverse shall be tied by course and distance to separate survey monuments approved by the Planning and Zoning Commission.
 - d. Location of all physical encroachments upon the boundaries of the tract.
4. Descriptive Data Required:
- a. Name, right-of-way lines, courses, lengths, width of all public streets, alleys, crosswalks, and utility easements; radii, points of tangency and central angles of all curvilinear streets and alleys; radii of all rounded street line intersections.
 - b. All drainage ways shall be shown on the plat. The rights-of-way of all major drainage ways, as designated by the Public Works Engineer, shall be dedicated to the public.
 - c. All easements for rights-of-way provided for public services or utilities and any limitations of the easements. Construction within the easement shall be limited to utilities and wood, wire, or removable section-type fencing.
 - d. Location and all dimensions of all residential lots.
 - e. All residential lots shall be numbered by consecutive numbers throughout the plat. "Exception", "tracts" and "private parks" shall be so designated, lettered or named, and clearly dimensioned.
 - f. Locations, dimensions, bearings, radii, arcs, and central angles of all sites to be dedicated to the public with the use clearly indicated.
 - g. Location of all adjoining subdivisions with date, book, and page number of recordation noted, or if unrecorded or undivided, so marked.
 - h. Any deed restrictions or restrictive covenants to be imposed upon the plat or any part thereof pertaining to the intended use of the land shall be submitted within five days after final plat filing. Deed restrictions shall in no way be less restrictive than zoning regulations imposed by the Town.
5. Dedication and Acknowledgment:
- a. Dedication: Statement of dedication of all streets, alleys, crosswalks, drainage ways, pedestrian ways, and easements for public use by the person holding title of record, by persons holding titles as vendees under land contract and by wives of said parties. If lands dedicated are mortgaged, the mortgagee shall also sign the plat. Dedication shall include a written location by section, township, and range of the tract. If the plat contains

- private streets, the public utilities shall reserve the right to install and maintain utilities in the street rights-of-way, including refuse collection.
- b. Acknowledgment of Dedication: Execution of dedication acknowledged and certified by a notary public.
6. Required Certification: The following certifications are required:
- a. Certification by the registered civil engineer or registered land surveyor making the plat that the plat is correct and accurate and that the monuments described in it have either been set or located as described. All maps shall contain the seal of a registered civil engineer or land surveyor.
 - b. Certification by the Public Works Department that the final plat substantially conforms to the preliminary plat approved by the Council, and that all engineering conditions and requirements of this chapter have been complied with.
 - c. Certification by the town clerk of the date the map was approved by the Council.
 - d. Certificate of recordation by the county recorder.

A. Procedures

The preparation, submittal, review, and approval of all Minor Land Divisions located within the corporate limits of the Town of Payson shall be processed through the following stages, except as otherwise provided herein:

1. Pre-application conference with the Community Development Department.
2. Submittal, review, and approval of the Minor Land Division application and map by the applicant to the Community Development Director.
3. Recordation of the approved Minor Land Division Map.

B. Pre-application Conference

1. An applicant shall present his proposal to the Community Development Director and the Director will advise the applicant of specific objectives of this chapter to include procedures, standards, and approval process.
2. The applicant shall submit a conceptual drawing of the proposed minor land division to the Community Development Director for the purpose of ascertaining the appropriateness of the procedures outlined in this chapter. Additional information may be required such as a copy of the Gila County Assessors Map.

C. Minor Land Division Application**1. Application Submittal:**

The applicant shall submit the following to the Community Development Department;

- a. Three copies (blue or black line prints) plus three reproducible Mylars of the Minor Land Division.
 - b. A completed Minor Land Division application form.
2. All submittals shall be checked by the Community Development Department to ensure completeness. All incomplete submittals shall be returned to the applicant with a list of requested submittals to complete the application.
3. **Application Requirements:**
- a. All Minor Land Divisions shall be developed to comply with all requirements for the specific zoning district in which located.
 - b. No lot or parcel shall be divided in such a way that any division of such lot or parcel shall contain more dwelling units than are permitted by the Zoning provisions of this Code for which district such lot is located.
 - c. All mapped data shall be drawn to a scale of not greater than one hundred (100) feet per inch. This map data will be drawn on a sheet 18 inches by 24 inches.
 - d. All maps will show the following data;
 - (1) The title of the map shall read "Minor Land Division Map for (applicant)"
 - (2) Location by section, township and range.
 - (3) Legal description of land involved.
 - (4) Name, address, and phone number of applicant.
 - (5) Scale, north point, and dates of preparation and revisions.
 - (6) Existing street dedications, utility easements, and lot lines.
 - (7) Name, address, registration number, and seal of the registered land surveyor

- preparing the map.
- (8) Boundaries of the tract to be divided fully balanced and closed showing all bearings and distances determined by an accurate survey in the field. All dimensions shall be shown in feet and decimals thereof.
 - (9) Location and dimensions of all lots within the minor land division map. All sides of the proposed lots shall be identified by bearings and distances.
 - (10) All lots shall be identified by number or letter.
 - (11) Proposed street dedications and public utility easements shall be identified by course, length, and width.
 - (12) If questions pertaining to property boundary develop, the Public Works Department may require all existing physical and natural features, including but not limited to, buildings, structures, bridges, culverts, within the Minor Land Division boundaries. Identify those which are to be removed.
 - (13) The map shall include provisions for signatures by the Zoning Administrator and the Public Works Department or his designee.
 - (14) Identify any public utility extensions or upgrades, when required, to serve the proposed land division.
 - (15) Any ingress or street improvements necessary to ensure compliance with emergency vehicle access, dust abatement, and drainage improvements necessary to mitigate any negative effects on current or future public infrastructure adjacent to and/or fronting the proposed land division.
 - (16) Pay a fee for the revision of the official Town Map to reflect the land division.
4. Application Approval:
- a. For those submittals meeting the applicability as described in 15-06-002.A "Land Splits" (less than 2 ½ acres in area) the following process shall be applied;
 - (1) The Zoning Administrator shall check all submittals to ensure that the objectives of the Zoning provisions of this Code and Master Plan are complied with. It shall be the responsibility of the Public Works Department or his designee to ensure that all relevant departments, utilities, and other agencies receive copies for review.
 - (2) The Public Works Department or his designee shall review all submittals to ensure compliance with other applicable town codes.
 - (3) The Public Works Department or his designee or Zoning Administrator may require additional information, needed to determine the compliance of the Minor Land Division with applicable regulations.
 - (4) Upon approval by the Zoning Administrator and the Public Works Department or his designee, they shall affix their signatures to the area provided, and collect the fee necessary for recording the Minor Land Division with the Gila County Recorder.
 - b. For those submittals meeting the applicability as described in 15-06-002 (B) & (C) the following process shall be applied;
 - (1) The applicant shall submit all the documents, information, data, and other required information for the Minor Land Division application to the Community Development Department.
 - (2) The Zoning Administrator shall distribute copies of the application and other information to other departments and utilities as needed.

- (3) The Zoning Administrator shall place the Minor Land Division on the next meeting of the Commission. The Commission shall approve or disapprove the Minor Land Division pursuant to this chapter.
- (4) If the Commission approves the Minor Land Division application, the Public Works Department shall transcribe a certificate of Board Approval upon the map, first making sure that; a) all conditions of approval have been complied with; b) the other required certifications have been duly signed; and c) that any instruments for required street dedications have been prepared, executed, and duly recorded.
- (5) After all of the above requirements have been met, the applicant shall pay to the Town the fee charged by the Gila County Recorder for the recordation of the map. The Chairman of the Commission or his designee shall provide written notice of approval to the Town Clerk for recording the map.
- (6) If the Commission disapproves the application, the minutes shall reflect the reasons for the disapproval. The application may be re-filed if the reasons stated can be satisfactorily addressed. The applicant shall receive written notice for reason of denial within 30 days of the hearing.
- (7) Appeals to the decision of the Commission can be filed with the Council.

Prior to application for any variance, appeal, amendment, conditional use permit, general plan amendment, or any other review or permit process, a pre-application review with the Community Development Department will be required. The purpose of the pre-application review is:

- A.** To familiarize the Community Development Department with the request;
- B.** To determine application requirements and familiarize the applicant with the review process and procedures;
- C.** To identify land use and development policies which may affect the outcome of the request;
- D.** To permit a cursory technical review at a conceptual stage to identify conflicts in objectives and to identify potential solutions for those conflicts; and
- E.** To identify the requirements for citizen participation and familiarize the applicant with related issues.

A. Sections 15-09-013 and 15-09-014 shall be applicable to the following:

1. Application to amend the Zoning Map for the Town of Payson.
2. Application to subdivide land within the Town of Payson.

Note: Applications for the subdivision process which have received an approved rezoning of the property within the past 12 months, and prepared a citizen participation plan, and citizen participation report, and the proposed subdivision is in substantial compliance with the site plan submitted for the rezoning process shall not be required to follow the provisions of 15-09-013 and 15-09-014.

3. Application for a Conditional Use Permit.

Note: Applications for a conditional use permit for single family residential development shall be exempt from Sections 15-09-013 and 15-09-014.

4. Application for a Variance from Zoning Regulations.

Note: Applications for a variance on a single family residential property shall be exempt from Sections 15-09-013 and 15-09-014.

B. The purpose of the citizen participation plan is to:

1. Ensure that applicants pursue early and effective citizen participation in conjunction with their applications, giving them the opportunity to understand and try to mitigate any real or perceived impacts their application may have on the community.
2. Ensure that the citizens and property owners of Payson have an adequate opportunity to learn about applications that may affect them and to work with applicants to resolve concerns at an early stage of the process, and
3. Facilitate ongoing communications between the applicant, interested citizens and property owners, city staff and elected officials throughout the application review process.

C. The citizen participation plan is not intended to produce complete consensus on all applications, but to encourage applicants to be good neighbors and to allow for informed decision making.

D. At a minimum the citizen participation plan shall include the following information which shall be forwarded to the Community Development Department by the applicant:

1. Which residents, property owners, interested parties, political jurisdictions and public agencies may be affected by the application;
2. How those interested in and potentially affected by an application will be notified that an application has been made;
3. How those interested and potentially affected parties will be informed of the substance of the change, amendment, or development proposed by the application;
4. How those affected or otherwise interested will be provided an opportunity to discuss the applicant's proposal with the applicant and express any concerns, issues, or problems they may have with the proposal in advance of the public hearing;
5. The applicant's schedule for completion of the citizen participation plan;
6. How the applicant will keep the Community Development Department informed on the status of their citizen participation efforts.

- E.** The level of citizen interest and area of involvement will vary depending on the nature of the application and the location of the site. The target area for early notification is determined by the applicant after consultation with the Community Development Department. At a minimum, the target area shall include the following:
 - 1. Property owners within the public hearing notice area required by other sections of the ordinance pertaining to public hearings;
 - 2. The head of any home owners association or registered neighborhood within the public notice area required by other sections of this code;
 - 3. Other interested parties who have requested that they be placed on the interested parties notification list maintained by the Community Development Department.
- F.** These requirements apply in addition to any notice provisions required elsewhere in the Unified Development Code.
- G.** The applicant may submit a citizen participation plan and begin implementation prior to formal application at their discretion. This shall not occur until after the required pre-application meeting and consultation with the Community Development staff.

- A.** The section applies only when a citizen participation plan is required by this code.
- B.** The applicant shall provide a written report on the results of their citizen participation efforts prior to the notice of public hearing. This report will be attached to the staff report by the Community Development Department.
- C.** At a minimum, the citizen participation report shall include the following information:
 - 1. Details of techniques the applicant used to involve the public, including:
 - a. Dates and locations of all meetings where citizens were invited to discuss the applicant's proposal;
 - b. Content, dates mailed, and numbers of mailings, including letters, meeting notices, newsletters and other publications;
 - c. Where residents, property owners, and interested parties receiving notices, newsletters, or other written materials are located; and
 - d. The number of people that participated in the process.
 - 2. A summary of concerns, issues and problems expressed during the process, including:
 - a. The substance of the concerns, issues, and problems;
 - b. How the applicant has addressed or intends to address concerns, issues, and problems expressed during the process; and
 - c. Concerns, issues and problems the applicant is unwilling or unable to address and why.

The Town Council may periodically amend, supplement or change provisions to the Town of Payson General Plan. Any such proposed changes may be initiated by staff, Council, Commission, or by petition and application of property owners.

A. Application for Amendments

1. An application for an amendment to the General Plan shall be filed with the Community Development Department on forms provided.
2. A complete application for amendment shall require a detailed description of the request and the specific grounds or reasons for the proposed amendment.
3. The application shall be accompanied by payment of the appropriate fee on the schedule of such charges as adopted by the Town Council. None of such fees shall be refundable. Staff, Council or Commission initiatives to amend the General Plan shall not be required to pay the application fee.
4. Applications for major amendments shall only be considered by the Town Council once a year.
5. A complete application shall include a map showing the area to be amended in the Land Use Element and the surrounding land use designations.

B. Requirements for application to amend the General Plan

In the event that an application to amend the General Plan, Land Use Element includes properties other than that owned by the applicant, before the application will be accepted for processing, the applicant shall file a petition in favor of the request signed by the real property owners, or their agent or attorneys which show a representation of at least 75% of the total number of property owners affected. Such petition shall bear the property owners' signatures, addresses, and legal description of their property.

C. Process to Amend

1. Amendments to the General Plan shall require a broad dissemination of proposals, opportunity to review and consider comments, and notice to various public offices.
 - a. Prior to initiating the process to provide an amendment to the General Plan staff shall provide notice and seek input from the Town Council.
 - (1) Notice of Town Council discussion shall be published in the local newspaper with a brief description of the proposed amendment at least 10 days prior to the scheduled meeting to discuss.
 - (2) Public service announcement shall be distributed to the local radio station at least 10 days prior to the Council discussion.
 - b. Copies of the application and staff report shall be transmitted to the all government offices within the Payson area as well as the Central Arizona Association of Governments and the Arizona Department of Commerce.

- c. Transmittals to the above recipients in items “a” and “b” above shall include instructions to allow written comments to be transmitted to the Commission and Council prior to the public hearing or attendance at the hearing to provide comments.
- d. The Commission and the Town Council shall provide opportunity for those wanting to provide written or verbal comments to be heard and considered.
- e. Notice of Public Hearings shall be in accordance with 9-461.06.D of the Arizona Revised Statutes.
- f. Public Hearings for Major Amendments shall only be considered once a year during the calendar year in which the application was submitted.

D. Staff Review

- 1. A complete application to amend the General Plan, Land Use Element, shall be submitted to the Community Development Director, and shall be reviewed and a report prepared to the Planning & Zoning Commission.
- 2. The Community Development Director shall consult with, advise, and provide an opportunity for official comment by public officials and agencies to include, the county, school districts, regional planning agency, public land management agencies, other appropriate governmental jurisdictions, public utility companies, civic, educational, professional and other organizations, property owners and citizens generally to secure maximum coordination of plans and to indicate properly located sites for all public purposes on the general plan.

E. Commission Review and Action

- 1. The Planning and Zoning Commission shall hold at least one public hearing before approving a General Plan or any amendment to the General Plan. Notice of the time and place of a hearing and availability of studies and summaries related thereto shall be given at least fifteen and not more than thirty calendar days before the hearing by publication at least once in a newspaper of general circulation published or circulated in the municipality.
- 2. At least 60 days before the general plan or a portion, element or major amendment of a general plan is adopted, the Community Development Department shall transmit the proposal to the legislative body, and submit a copy for review and further comment to:
 - a. The planning agency of the county in which the Town is located.
 - b. Each county or municipality that is contiguous to the corporate boundaries of the Town.
 - c. The regional planning agency within which the Town is located
 - d. The Arizona Department of Commerce or any other State agency that is subsequently designated as the general planning agency for the State.
 - e. Any person or entity that requests in writing to receive a review copy of the proposal.
- 3. Action by the Planning and Zoning Commission on the general plan or any amendment to the plan shall be transmitted to the Town Council.

F. Council Review and Action

- 1. At the completion of the 60 day review process the Town Council shall schedule at least one public hearing before adopting or readopting the general plan or any amendment to the general plan.

2. Notice of the time and place of the public hearing and availability of studies and summaries related thereto shall be given at least fifteen and not more than thirty calendar days before the hearing by publication at least once in a newspaper of general circulation published or circulated in the municipality.
3. The adoption or re-adoption of the general plan or any amendment to such plan shall be by resolution of the Town Council
4. The adoption or re-adoption of or a major amendment to the general plan shall be approved by affirmative vote of at least two-thirds of the members of the Town Council.
5. A copy of the adopted general plan of the Town shall be sent to the planning agency of the county.

G. Voter Ratification Requirements

1. Each new general plan adopted by the Town Council shall be submitted to the voters for ratification at an election held pursuant to section 16-204 of the Arizona Revised Statutes.
2. The Town Council shall include a general description of the plan and its elements in the municipal election pamphlet and shall provide public copies of the plan in at least two locations that are easily accessible to the public
3. If a majority of the qualified electors voting on the proposition approves the new plan, it shall become effective as provided by law.
4. If a majority of the qualified electors voting on the proposition fails to approve the new plan, the current plan remains in effect until a new plan is approved by the voters.

Note: The Town Council may resubmit the proposed new plan, or revise the new plan for subsequent submission to the voters.

A. Application

Any person desiring to request the abandonment of Town rights of way, any easement owned by the Town, rights of way or easements dedicate to the use of the public within the Town limits, or rights of way or easements which have been sought to be dedicated, but not accepted by the Town, shall make application therefore to the Town Engineer (“Application for Abandonment”).

B. Requirements for Application

1. The Application shall contain a legal description of the rights of way or easement to be abandoned.
2. The Application shall set forth the reason or reasons that abandonment of the rights of way or easement is sought.
3. The applicant shall submit with the application an accurate, verified list, made within the previous thirty (30) days, giving the names and addresses of all persons having an interest in properties any part of which is affected by the Application for Abandonment or is within three hundred (300) feet of all or any part of the rights of way or easement to be abandoned. The list shall be furnished at the applicant’s expense and may be rejected by the Town Engineer if it contains incomplete or inaccurate information.
4. With the application, the applicant shall provide the Town Engineer with stamped envelopes pre-addressed to such property owners.
5. The applicant shall submit with the application legible copies of the documents granting the rights of way or easement, or a title report reflecting the same.
6. The application shall be accompanied by payment of the appropriate fee, which shall not be refundable. The amount of such fee shall be established, from time to time, by the Town Council on recommendation of the Town Engineer.

C. Review by Town Engineer and Fire Department

An Application for Abandonment shall be reviewed by the Town Engineer, the Fire Department and any other appropriate Town departments. As part of such review, the Town Engineer shall determine whether the rights of way or easement sought to be abandoned has been properly dedicated to and accepted by the Town and whether its abandonment will result in any property being left without a legal connection between the properties being served by the easement or rights of way and an established public road. The Fire Department shall determine, as part of its review, whether the rights of way or easement sought to be abandoned is needed for fire apparatus access and, therefore, whether the abandonment is in the best interests of the Town. When all reviews are completed, the Town Engineer, the Fire Department, and any other involved Town department shall each forward a report and recommendation to the Planning and Zoning Commission prior to its public hearing on the matter.

D. Rights of Way and Easements Not Subject to Abandonments

Any rights of way or easement which has not been dedicated to and accepted by the public and accepted by the Town shall not be abandoned by the Town. Rights of Way or easements dedicated to the Town shall be treated in the same manner as rights of way or easements which have been dedicated to and accepted by the Town.

E. Review by Utility Providers

The Town shall distribute each application for abandonment to each of the local utility providers. Each utility provider will then indicate their present use or future anticipated need for, or lack of such need for, the respective rights of way or easement. The Town shall distribute with the application for abandonment a copy of the legal description and / or survey provided by the applicant. This material shall be distributed to the following utility providers:

1. Arizona Public Service Company (electric);
2. Cablevision (cable TV);
3. Energy West (gas);
4. Northern Gila County Sanitary District (sewer);
5. Qwest (telephone);
6. Town of Payson Water Department (water).

F. Planning and Zoning Commission Action

The Planning and Zoning Commission shall make a recommendation to the Town Council whether or not to abandon the rights of way or easement. Prior to making its recommendation to the Town Council, the Planning and Zoning Commission shall hold at least one public hearing, after giving at least fifteen (15) days notice thereof by publication at least once in a newspaper of general circulation published in the Town of Payson, by posting the area within three hundred (300) feet of the rights of way or easement and by mailing notice of the public hearing to all those persons who have an interest in property any part of which is within three hundred (300) feet of the rights of way or easement proposed to be abandoned.

G. Town Council Action

After receiving the recommendation of the Planning and Zoning Commission, the Town Council shall take appropriate action on the Application for Abandonment. The Town Council may, but shall not be required to, hold another public hearing before taking action. The Town Council shall not abandon any rights of way or easement if the effect of such abandonment is to leave any land adjoining the same without a legal connection between the land served by the rights of way or easement and another established public roadway unless there is expressly reserved in the conveying instrument the roadway rights for ingress and egress for public or emergency vehicles, all property owners, property owner guests and invitees and persons lawfully conducting business on the land.

15-09-017 Alternate Standards

A. Building Height

1. The Conditional Use Permit process shall apply to requests for allowances under this section, except as provided in 2-5 below.
2. Additional Application Requirements. Additional submittal information may be imposed upon applications for consideration under this section. Submittal of scaled models, 3-D electronic models, and additional information showing relationship to surroundings may be required for application at the determination of the Community Development Director.
3. Additional Noticing Requirements. Newspaper notices for all hearings under these provisions shall be a Display Ad and shall cover not less than 1/8 page.
4. In addition to Section 15-09-004.C - Standards of Review, applicants requesting approval of projects under this section shall address the following:
 - a. visual impact of additional building height upon ridge lines/sky lines, view sheds, as well as light and shadow impacts
 - b. height/elevation of the building(s) relative to the center line of adjacent roadways, properties and other structures
 - c. preservation of native vegetation
 - d. scale of adjacent development
 - e. elimination of legal non-conforming uses, slum, or blight
 - f. privacy of adjacent property owners
 - g. distance of the proposed building from the edge of the property
 - h. community benefits derived from the additional height
 - i. location & size of parcel
5. The Commission, in considering applications for development under this section, may weigh the above factors and may allow, conditionally allow, or deny any application based upon these factors.

B. Reserved