

ORDINANCE NO. 686

AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, AMENDING THE OFFICIAL ZONING MAP FOR THE TOWN OF PAYSON, AMENDING ORDINANCE NO. 466 AND AMENDING THE ZONING CODE FOR THE TOWN OF PAYSON BY REZONING CERTAIN REAL PROPERTY GENERALLY LOCATED AT 400 NORTH TYLER PARKWAY, BEING GILA COUNTY ASSESSOR'S PARCEL NUMBER 302-23-036V, AS MORE PARTICULARLY DESCRIBED ON EXHIBIT "A" ATTACHED HERETO, FROM R1-175 TO R1-6PAD (BOULDER RIDGE).

WHEREAS, the Town of Payson from time to time amends its Official Zoning Map and Official Zoning Code for the purpose of accommodating zoning changes; and

WHEREAS, Application No. P-323-06 to amend the Official Zoning Map and Official Zoning Code has been made by KDS Construction L.L.C., property owner (Kevin Sokol, representative) to the Planning and Zoning Commission and the Town Council; and

WHEREAS, the Planning and Zoning Commission held a public hearing on April 10, 2006, considered the issues, and made recommendation on Application No. P-323-06 to the Town Council; and

WHEREAS, the Town Council held a public hearing on April 27, 2006, in regard to said Application No. P-323-06 and has considered the issues relating thereto,

NOW, THEREFORE, IT IS HEREBY ORDAINED BY THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, AS FOLLOWS:

Section 1. Ordinance No. 466 of the Town of Payson, the Official Zoning Map for the Town of Payson and the Zoning Code for the Town of Payson be and each is hereby amended to establish a zoning district of R1-6PAD for that portion of the certain real property located at 400 North Tyler Parkway, Gila County Assessor's Parcel Number 302-23-036V, more particularly described on Exhibit "A" attached hereto and made a part hereof by this reference (the "Property").

Section 2. That the requested rezoning and the use and density of the Property as proposed by Application No. P-323-06 and made contingent upon those conditions set forth in Section 3 below, is consistent with the General Plan of the Town of Payson, as required by A.R.S. § 9-462.01(F).

Section 3. The foregoing change in zoning shall be and is hereby specifically made contingent upon and conditional upon each of the following:

First Reading & Pub. Hrg. MAY 11 2006 G.5

Second Reading & Pub. Hrg. MAY 24 2006 G.13

JUL 13 2006 G.5

- A. Development on the property shall be limited to four (4) Equivalent Residential Units (ERU's) as calculated under Chapter 50 of the Code of Payson and Ordinances 480, 528, and 537 as amended, unless the owner/developer of the property provides the Town with a new, adequate water supply for additional development.
- B. The development shall be in substantial conformance with the Development Plan dated April 10, 2006 as amended for the April 27, 2006 Town Council Meeting.
- C. The preliminary and final plats shall designate actual building envelopes, preserving natural terrain and vegetation to the fullest extent possible. Any accessory structures, including fences, shall be located within the designated building envelope.
- D. The developer shall provide pro rata funding to the Town in lieu of construction for an 8' wide asphalt pathway along the North Tyler Parkway frontage as part of the planned pedestrian way prior to the approval of the final plat.
- E. Plans to accept the voluntary donation of workforce housing and funds toward a proposed basketball facility shall be formalized with the applicant and Town staff, prior to Council consideration of the final plat.
- F. The developer shall provide adequate sanitary facilities, depicted in the Improvement Plans, which are acceptable to the Northern Gila County Sanitary District, prior to Final Plat approval.
- G. The preliminary and final plat shall designate a minimum of 20% of the project as common open space to be owned by the project's HOA. Up to 10% of the 20% may be private open space.
- H. If any conditions (A through G above) cannot be met or the applicant does not have an approved Final Plat within two (2) years of the approval date of the effective date of this Ordinance 686, then the R1-6-PAD rezoning may revert to the original R1-175 zoning, after appropriate Council hearings have been held. The portion of Condition A limiting development to four ERU's shall survive any reversion of zoning to R1-175.

Section 4. The Mayor and Common Council find and declare that the provisions in this Ordinance Number 686 first and finally embody and constitute the legislative act of rezoning the real property described herein and set forth on Exhibit "A" attached hereto and supercede any prior acts of the Mayor and Common Council.

Section 5. Pursuant to A.R.S. §19-142 and §30.54 of the Code of the Town of Payson, this ordinance shall not become operative until 30 days after its passage.

Section 6. All ordinances and parts of ordinances in conflict with the provisions of this Ordinance are hereby repealed to the extent of such conflict.

PASSED AND ADOPTED BY THE MAYOR AND COMMON COUNCIL OF  
THE TOWN OF PAYSON this \_\_\_\_ day of \_\_\_\_\_, 2006, by the following vote:

AYES \_\_\_\_ NOES \_\_\_\_ ABSTENTIONS \_\_\_\_ ABSENT \_\_\_\_

\_\_\_\_\_  
F. Robert Edwards, Mayor

ATTEST:

APPROVED AS TO FORM:

\_\_\_\_\_  
Silvia Smith, Town Clerk

\_\_\_\_\_  
Samuel I. Streichman, Town Attorney

# EXHIBIT "A"

*to Ordinance No. 686*

400 North Tyler Parkway, Payson, Arizona  
Gila County Tax Parcel Number 302-23-036V

## Legal Description -

POR NW4 SE4 SEC 35 T11N R10E; BEING SW OF SWLY R/W  
DEDICATED RD N TYLER PKW; EXC BEG CNTR SEC 35; TH  
S0D0'32 E 164.59'; TH N89D59'51 E 380.05'; TH N35D33'34 W  
202.38'; TH S89D56'27 W 262.19' POB; EXC COMM CNTR SEC  
35; TH S0D0'32 E 164.59' POB; TH N89D59'51 E 21.76'; TH  
S0D0'47 W 494.13'; TH S89D57'19 W 21.76'; TH N0D0'47 E  
494.14' POB; =16.70 AC M/L (OUT OF 302-23-036S)

ORDINANCE NO. 689

AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, AMENDING SECTION 30.35 OF THE CODE OF THE TOWN OF PAYSON, REPEALING RULES 4.1, 4.2, AND 4.3 OF THE TOWN COUNCIL MEETINGS RULES OF PROCEDURE, AND ADOPTING AN AMENDED SCHEDULE FOR REMAINING 2006 TOWN COUNCIL MEETINGS (CHANGING REGULAR COUNCIL MEETINGS TO 5:30 PM ON THE FIRST AND THIRD THURSDAYS OF EACH MONTH).

WHEREAS, A.R.S. §9-233 requires that the Town schedule its regular Council meetings by Ordinance; and

WHEREAS, the Town complied by enacting Section 30.35 of the Town Code and Rule 4.1 of the Town Council Meetings Rules of Procedure which provide that regular Town Council meetings are to be held on the second and fourth Thursdays of each month at 6:00 p.m.; and

WHEREAS, it is the desire of the Mayor and Common Council to schedule the regular Town Council meetings on the first and third Thursdays of each month at 5:30 p.m.,

NOW, THEREFORE, THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, DO HEREBY ORDAIN AS FOLLOWS:

Section 1. That Section 30.35 of the Code of the Town of Payson is hereby amended, and as amended shall read as follows:

**§ 30.35 MEETINGS.**

(A) *Regular meetings.*

(1) The Town Council shall hold regular meetings on the first and third Thursdays of each calendar month. Council meetings shall be held at 5:30 p.m.

(2) The Council may, by motion duly adopted, decide to cancel, reschedule or delay a regular or special meeting of the Council as a result of foul weather, disaster, conflicts with legal holidays or other prudent reasons which the Council deems appropriate to cancel, reschedule or delay a meeting. Any motion adopted by the Council to cancel, reschedule or delay a Council meeting, whether a regular or special session, shall state the reason for the action, and shall state whether the meeting is rescheduled to a new date or time, or is canceled.

(3) All scheduled meetings of the Council shall be held in the Town Hall facility unless some other place is designated on the agenda.

(B) *Special meetings.* The Mayor, Town Manager, or Town Attorney may schedule a special Council meeting.

2nd Reading & Public Hearing JUL 13 2006 G-6

(C) *Meetings to be public.* All proceedings of the Council shall be open to the public, except that upon approval by a majority vote of the Council, the Council may meet in a closed executive session pursuant to the provisions of state law.

(D) *Quorum.* A majority of the Council shall constitute a quorum for transacting business, but a lesser number may adjourn from time to time and compel the attendance of absent members.

Section 2. Rules 4.1, 4.2, and 4.3 of the Town Council Meetings Rules of Procedure are hereby repealed.

Section 3. This Ordinance 689 shall become effective September 1, 2006.

Section 4. The Town Council meeting schedule for September 1, 2006 through December 31, 2006 is hereby amended, and as amended shall be as set forth in Exhibit A, attached hereto.

Section 5. If any section, subsection, sentence, clause, phrase or portion of this Ordinance Number 689 is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance Number 689. The Mayor and Common Council of the Town of Payson declares that it would have adopted this Ordinance Number 689 and each section, subsection, sentence, clause, phrase or portion thereof despite the fact that any one or more sections, subsections, sentences, clauses, phrases or portions would be declared invalid or unconstitutional.

**PASSED AND ADOPTED BY THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON** this 13 day of July, 2006, by the following vote:

AYES \_\_\_\_\_ NOES \_\_\_\_\_ ABSTENTIONS \_\_\_\_\_ ABSENT \_\_\_\_\_

\_\_\_\_\_  
F. Robert Edwards, Mayor

ATTEST:

APPROVED AS TO FORM:

\_\_\_\_\_  
Silvia Smith, Town Clerk

\_\_\_\_\_  
Samuel I. Streichman, Town Attorney

# COUNCIL MEETING SCHEDULE 2006

<b>JANUARY 2006</b>		<b>JULY 2006</b>	
Regular Meeting	January 12, 2006	Regular Meeting	July 13, 2006
Special Meeting/Home Rule	January 19, 2006	Regular Meeting	July 27, 2006
Regular Meeting	January 26, 2006		
<b>FEBRUARY 2006</b>		<b>AUGUST 2006</b>	
Regular Meeting	February 09, 2006	Special Budget Meeting	August 03, 2006
Regular Meeting	February 23, 2006	Regular Meeting	August 10, 2006
		<i>League Conference</i>	<i>Aug 22-25, 2006</i>
<b>MARCH 2006</b>		<b>SEPTEMBER 2006</b>	
Regular Meeting	March 09, 2006	Regular Meeting	September 14-07, 2006
<b>PRIMARY ELECTION</b>	<b>MARCH 14, 2006</b>	Regular Meeting	September 28 21, 2006
Special Meeting Canvass Votes	March 21, 2006		
Special Meeting/Budget	March 21, 2006		
Regular Meeting	March 23, 2006		
<b>APRIL 2006</b>		<b>OCTOBER 2006</b>	
Regular Meeting	April 13, 2006	<i>CSP Meeting</i>	<i>October 10, 2006</i>
Special Meeting/Budget	April 20, 2006	Regular Meeting	October 12 05, 2006
Regular Meeting	April 27, 2006	Regular Meeting	October 26 19, 2006
<b>MAY 2006</b>		<b>NOVEMBER 2006</b>	
Regular Meeting	May 11, 2006	<i>CSP Meeting</i>	<i>November 14, 2006</i>
<b>GENERAL ELECTION</b>	<b>MAY 16, 2006</b>	Regular Meeting	November 16, 2006
Special Meeting / Canvass Votes	May 23, 2006	<b>Thanksgiving Holiday</b>	November 23, 2006 No Meeting
Special Meeting / Budget	May 23, 2006		
Regular Meeting	May 25, 2006		
<b>JUNE 2006</b>		<b>DECEMBER 2006</b>	
Special Budget Meeting	June 01, 2006	Regular Meeting	December 14, 2006
Regular Meeting	June 08, 2006	<b>Christmas Holiday</b>	December 28, 2006 No Meeting
Special Budget Meeting	June 15, 2006		
Regular Meeting	June 22, 2006		

Adopted 11/17/2005

**Note:** Meeting dates subject to change as needed. Special meetings may be called as needed.

**Note:** Budget Meetings at 5:00 p.m.

**Note:** CSP Meeting dates are tentative All Day Times to be announced at a later date.