

**SUMMARY OF CHANGES TO  
ORDINANCE 713 AND RESOLUTION 2258  
(CREATION OF THE DESIGN REVIEW BOARD)**

**DATE:** April 10, 2007  
**TO:** Mayor and Council  
**FROM:** Legal Department

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On April 4, 2007 the Council conducted first reading of the Design Review Ordinance. Second reading of the Ordinance is scheduled for April 19, 2007.

On April 9, 2007 a study group, consisting of 3 citizens, 4 staff members, and 2 Council Members, met to discuss concerns regarding the proposed Design Review Ordinance. The study group recommended that the following changes be made:

- 1) Single family and two family residences are explicitly excluded from the Design Review Board's jurisdiction (§33.56(B)); and
- 2) Four of the Design Review Board members are required to have particular professional training, knowledge, or experience (§33.57( C)).

[These changes are noted by double underlines]

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RESOLUTION NO. 2258

**A RESOLUTION OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, ADDING SECTIONS 33.55 THROUGH 33.59 TO CHAPTER 33 OF THE CODE OF THE TOWN OF PAYSON, CREATING PAYSON'S DESIGN REVIEW BOARD, AMENDING SECTIONS 15-02-013(F) (5) AND (6) AND 15-02-014(D) AND (E) OF THE UNIFIED DEVELOPMENT CODE OF THE TOWN OF PAYSON, AND DECLARING SUCH AMENDMENTS TO BE A PUBLIC RECORD.**

WHEREAS, the Code of the Town of Payson was declared to be a public record by Resolution Number 1536 of the Town of Payson; and

WHEREAS, the Code of the Town of Payson was adopted as a public record by Ordinance Number 588 of the Town of Payson; and

WHEREAS, it is the intention of the Town of Payson to create a Design Review Board; and

WHEREAS, it is the intention of the Town of Payson that the Design Review Board review all design review applications except applications for minor changes; and

WHEREAS, such amendment may be enacted by reference, pursuant to A.R.S. § 9-802,

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

Section 1. Sections 33.55 through 33.59 (Design Review Board) of Chapter 33 of the Code of the Town of Payson are hereby added, are declared to be a public record as added, and as added shall read as set forth in Exhibit A, attached hereto and made a part hereto by this reference as though set forth in full at this point.

Section 2. Sections 15-02-013(F) (5) and (6) of the Unified Development Code of the Town of Payson are hereby amended, are declared to be a public record as amended, and as amended shall read as set forth in Exhibit B, attached hereto and made a part hereto by this reference as though set forth in full at this point.

Section 3. Sections 15-02-014(D) and (E) of the Unified Development Code of the Town of Payson are hereby amended, are declared to be a public record as amended, and as amended shall read as set forth in Exhibit C, attached hereto and made a part hereto by this reference as though set forth in full at this point.

**PASSED AND ADOPTED BY THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON** this \_\_\_\_ day of \_\_\_\_\_, 2007, by the following vote:

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

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F. Robert Edwards, Mayor

ATTEST:

APPROVED AS TO FORM:

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Silvia Smith, Town Clerk

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Samuel I. Streichman, Town Attorney

# **EXHIBIT A TO RESOLUTION 2258**

## **DESIGN REVIEW BOARD**

### **§ 33.55 ESTABLISHMENT.**

There is hereby established the Design Review Board for the purpose of reviewing design review applications as set forth in the Town's Unified Development Code and making recommendations to the Mayor and Town Council on issues related to Design Review within the Town of Payson.

### **§ 33.56 DUTIES AND RESPONSIBILITIES.**

The Design Review Board shall have the following powers, duties and responsibilities:

- (A) To review all existing Town Design Review guidelines and recommend to the Town Council any changes, amendments, deletions or additions to such Design Review guidelines. During such review the Board shall, following citizen input, specifically consider separate Design Review guidelines for multifamily, commercial, and industrial development.
- (B) To review Design Review applications as set forth in Unified Development Code. The Board shall not review single family or two family residences.
- (C) To review and approve the official minutes of all meetings of the Board prior to transmittal of the minutes to the Council.
- (D) To perform any other function as may be determined, from time to time, by the Mayor and Town Council.

### **§ 33.57 MEMBERSHIP AND TERMS; OFFICERS; MAJORITY REQUIRED.**

(A) Except as provided in subsections (B) and (C) below, members and officers of the Design Review Board shall be appointed and serve terms in accordance with § 33.02 .

(B) Up to two (2) members of the Board are not required to be electors of the Town so long as any member not an elector is:

- (1) a resident of northern Gila County who resides within the Payson Justice Court Judicial District; and
- (2) owns a business or enterprise within the Town of Payson or owns real estate within the Town of Payson.

(C) At least ~~two (2)~~ four (4) members of the Board shall be qualified by background, training, or experience in design related occupations such as architecture/building design, building construction, landscape architecture, land use planning, civil engineering, real estate, or similar fields, to create diversity on the Board.

(D) The Chairperson or, in his or her absence, the Vice-Chairperson, shall preside over the meetings of the Board and shall exercise and perform such duties as are assigned to him or her by the Mayor and Town Council. In the event that both the Chairperson and Vice-Chairperson are absent from a meeting, the remaining members of the Board who constitute a quorum shall select a Chairperson Pro Tempore, who shall perform the duties of the Chairperson for that meeting.

(E) A vote of the majority of the members of the entire Board shall be necessary for it to take action.

#### **§ 33.58 STAFF ASSISTANCE.**

The Community Development Director, or his/her designee, shall serve the Design Review Board as staff advisor.

#### **§ 33.59 MEETINGS.**

(A) The Design Review Board shall meet as needed.

(B) All meetings of the Design Review Board and any of its subcommittees shall be conducted in conformity with the requirements of this code and the laws of the state, specifically including, but not limited to, the requirements of A.R.S. §§ 38-431 *et seq.*, the Arizona Open Meetings Law.

(C) If the Design Review Board is reviewing potential changes, amendments, deletions or additions to the Town's Design Review guidelines, the Board shall actively solicit public input.

(D) If the Design Review Board is reviewing a specific design review application, the public shall have the right to attend and observe such review, but the Board shall only consider the contents of the application, information provided by the application and information provided by Town staff prior to making a decision on such application.

## **EXHIBIT B TO RESOLUTION 2258**

### **Unified Development Code Section 15-02-013 (*Design Review in Green Valley Redevelopment Area*)**

#### **F. Design Review**

##### **5. Review Procedures**

~~Upon submittal of a complete application, the Community Development Director or his/her designee shall arrange a meeting with the applicant. A decision on the application shall be rendered following this meeting. Meeting dates and times shall be coordinated with the applicant.~~

Upon submittal of a completed Application, the Design Review Board shall review and approve or disapprove such Application unless such Application requests a Minor Change. For Minor Changes the Community Development Director shall review and approve or disapprove such Application. Minor Changes shall mean any of the following: (i) any and all resurfacing of existing vertical structures, (ii) all signs that are otherwise in compliance with this Code, (iii) a building or vertical structure that (1) is an addition or accessory structure to an existing building and does not exceed the lesser of 25% of the existing building floor area or five thousand (5,000) square feet and (2) is complimentary with surrounding properties as well as the existing building, or (iv) an addition or accessory building that does not substantially or detrimentally alter the appearance of the site as seen from off-site.

The following criteria shall be used in reviewing the application:

- a. Site Layout:
  - (1) Orientation & location of buildings and landscaped areas in relation to physical characteristics of the site, neighborhood character, and the appearance and harmony of adjacent buildings
  - (2) The comfort and safety of the proposed pedestrian system
- b. Architectural Character:
  - (1) Suitability of the building for its intended use
  - (2) The consistency of the applications of the design with approved design guidelines
  - (3) The compatibility of the character of the design with adjacent structures and the intent of these regulations
  - (4) Preservation of historical structures
- c. Landscaping:
  - (1) The location, height and material of walls, fences, hedges, trees, and xeriscape to ensure harmony with the overall atmosphere and ambiance of the area and the intent of these regulations
  - (2) The planting of groundcover to prevent dust and erosion

- (3) The preservation of healthy trees
- (4) Open, pedestrian friendly landscaping
- d. Outdoor Signage:  
The number, location, color, size, lighting, and landscaping of outdoor advertising signs in relation to pedestrian and vehicular traffic and appearance and harmony with the existing adjacent structures, and the intent of these regulations
- e. Overall Compliance with Development Standards:  
The Design Review Board or the Community Development Director, on a case by case basis, may make exceptions to Section 7, Development Standards due to unique characteristics of the site or economic hardship to the applicant.

6. Appeal Procedure:

- a. Any person aggrieved by a decision of the Design Review Board or the Community Development Director to approve or disapprove a Design Review application may file a letter of appeal to the Green Valley Redevelopment Area Committee within 30 calendar days of the decision. If a decision of the Design Review Board or the Community Development Director is appealed, the Green Valley Redevelopment Area Committee shall conduct a hearing as soon as is reasonably practical. The Green Valley Redevelopment Area Committee may reverse, affirm or modify the decision of the Design Review Board or the Community Development Director following the conclusion of the hearing.
- b. Any person aggrieved by a decision of the Green Valley Redevelopment Area Committee reversing, affirming, or modifying the decision of the Design Review Board or the Community Development Director may file a letter of appeal to the Council within 30 calendar days of the date of the decision of the Green Valley Redevelopment Area Committee. If a decision of the Green Valley Redevelopment Area Committee is appealed, the Council shall conduct a public hearing as soon as is reasonably practicable in accordance with provisions of the Arizona Revised Statutes pertaining to requirements for public hearings. The Council may reverse, affirm or modify the decision of the Green Valley Redevelopment Area Committee following the conclusion of the public hearing.

## EXHIBIT C TO RESOLUTION 2258

### Unified Development Code Section 15-02-014 (*Design Review outside the Green Valley Redevelopment Area*)

#### D. Review Process

1. All applicants shall meet with the Community Development Director or his/her designee prior to the submission of a Design Review Application Packet
- ~~2. Within fifteen (15) calendar days of the submission of a complete Design Review Application Packet, the Community Development Director or his/her designee shall approve or disapprove the Design Review Application.~~
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  - (a) Within fifteen (15) calendar days of the submission of a complete Design Review Application Packet the Design Review Board shall review and approve or disapprove such Application unless such Application requests a Minor Change as defined in subsection (c) below.
  - (b) For Minor Changes the Community Development Director shall, within fifteen (15) calendar days of the submission of a complete Design Review Application Packet, review and approve or disapprove such Application.
  - (c) Minor Changes shall mean any of the following:
    - (i) any and all resurfacing of existing vertical structures,
    - (ii) all signs that are otherwise in compliance with this Code,
    - (iii) a building or vertical structure that (1) is an addition or accessory structure to an existing building and does not exceed the lesser of 25% of the existing building floor area or five thousand (5,000) square feet and (2) is complimentary with surrounding properties as well as the existing building,
    - (iv) an addition or accessory building that does not substantially or detrimentally alter the appearance of the site as seen from off-site.
3. A Design Review Application shall not be approved unless the applicant demonstrates the following:
  - a. Consistency with the purpose of the Design Review Overlay District; and
  - b. Compliance with the Development Standards set forth in section 15-02-014(F) for all areas of the development that are visible from the public right of way or parking areas.
4. The Design Review Board or Community Development Director, on a case by case basis, may make exceptions to the Development Standards set forth in section 15-02-014(F) for the following reasons:

- a. To eliminate or mitigate legal nonconforming buildings, signs, or other structures.

E. Appeal Procedure

- A. An applicant aggrieved by a decision of the Design Review Board or the Community Development Director disapproving a Design Review Application may file a letter of appeal with the Planning and Zoning Commission within fifteen (15) calendar days of the date of the decision. Such letter shall specifically set forth any alleged errors in the Design Review Board or the Community Development Director's decision.
- B. Upon receipt of an appeal letter, the Planning and Zoning Commission shall hear the appeal as soon as is reasonably practical. The person requesting the appeal shall have the burden of demonstrating why the decision was in error. Following the hearing, the Planning and Zoning Commission may reverse, affirm or modify the decision of the Design Review Board or the Community Development Director.
- C. An applicant or the Community Development Director aggrieved by a decision of the Planning and Zoning Commission may file a letter of appeal with the Town Council within seven (7) calendar days of the date of the decision of the Planning and Zoning Commission. Such letter shall specifically set forth any alleged errors in the Planning and Zoning Commission's decision.
- D. Upon receipt of an appeal letter, the Town Council shall hear the appeal as soon as is reasonably practicable in accordance with Arizona's Open Meeting Laws. The person requesting the appeal shall have the burden of demonstrating why the decision was in error. Following the hearing, the Town Council may reverse, affirm or modify the decision of the Planning and Zoning Commission.