ORDINANCE NO. 785

AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, AMENDING THAT PORTION OF THE UNIFIED DEVELOPMENT CODE (SECTIONS 15-03-001 AND 15-03-002) RELATING TO LANDSCAPING, SCREENING, BUFFERING AND LIGHTING.

WHEREAS, on April 19, 2007, the Council approved Ordinance 713 creating the Town's Design Review Board ("the Board"); and

WHEREAS, the Board was charged with reviewing the Town's Design Review Guidelines ("Guidelines") and making recommendations for changes, amendments, deletions, or additions to the Guidelines; and

WHEREAS, the Board has been reviewing the design review provisions of the Unified Development Code related to Landscaping, Screening, Buffering, and Lighting (the "Provisions") and on April 13, 2010 voted to recommend amendments to the Provisions; and

WHEREAS, on May 10, 2010, the Planning and Zoning Commission held a Public Hearing on the recommended amendments to the Provisions and following such Public Hearing recommended approval; and

WHEREAS, on August 5, 2010, The Payson Town Council conducted a public hearing on the proposed amendments to the Provisions; and

WHEREAS, the Town finds that the amendments to the Provisions will provide clarity and consistency for applicants and increase the aesthetic quality of the Town; and

WHEREAS, the Town finds that maintaining the aesthetic quality of the Town increases property values, increases tourism and creates financial benefits for the Town's property owners; and

WHEREAS, the Town finds that the amendments to the Provisions are necessary to regulate, maintain, and promote the aesthetic quality of the Town; and

WHEREAS, amendments to Sections 15-03-001 and 15-03-002 of Chapter 154 (The Unified Development Code) of the Code of the Town of Payson were declared to be a public record by Resolution 2569; and

WHEREAS, it is the desire of the Mayor and Common Council to amend the Code of the Town of Payson by amending Sections 15-03-001 and 15-03-002 by reference pursuant to A.R.S. § 9-802,

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

Section 1. That the amendment to Sections 15-03-001 and 15-03-002 (Landscaping, Screening, Buffering, and Lighting) of Chapter 154 (the Unified Development Code) of the Code of the Town of Payson set forth in Resolution 2569 were heretofore declared to be a public record, are hereby referred to, and adopted by reference as though all the provisions thereof were set forth in this Ordinance.

Section 2. That at least three copies of the amendments to Sections 15-03-001 and 15-03-002 of Chapter 154, as adopted by this Ordinance shall be filed in the Office of the Clerk of the Town of Payson and the same shall be maintained and kept available for public use and inspection.

Section 3. All ordinances and parts of ordinances in conflict with the provisions of this Ordinance are hereby repealed to the extent of such conflict.

Section 4. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason including, but not limited to the voter approved Private Property Rights Protection Act of 2006, held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, the Mayor and Common Council of the Town of Payson declare that the provision or provisions of the Unified Development Code relating to such section, subsection, sentence, clause, phrase or portion predating the adoption of this Ordinance shall be in effect.

PASSED AND ADOPTED BY THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON this 19th day of August, 2010, by the following vote:

AYES _____ NOES _____ ABSTENTIONS _____ ABSENT _____

_____
Kenny J. Evans, Mayor

ATTEST:

_____
Silvia Smith, Town Clerk

APPROVED AS TO FORM:

_____
Timothy M. Wright, Town Attorney

SUMMARY OF AGENDA ITEM

DATE: August 5, 2010

TO: Mayor and Council

FROM: Ray Erlandsen
Community Development Director

SUBJECT: **Unified Development Code Amendment – Ordinance 785, Resolution 2569**
Section 15-03 Landscaping Provisions

PURPOSE:

This amendment to the Unified Development Code (UDC) would replace the existing Landscaping, Screening and Buffering provisions (Subsections 15-03-001, 15-03-002 only) with updated language intended to clarify and update the current code.

SUMMARY:

In January 2009 staff brought forward amendments to the landscaping and buffering provisions of the Unified Development Code. These amendments combined provisions previously found in the Town of Payson Code of Ordinances Section 153 with the existing provisions in the UDC. In addition to combining the two documents into one, photographs and illustrations were added.

After the consolidated provisions were adopted, the Design Review Board began reviewing the language to compare the provisions in the code with what was a desirable final product.

The Design Review Board recommended the revisions 6-0 at their April 13, 2010 meeting. A public hearing was held before the Planning & Zoning Commission on May 10, 2010. The Planning & Zoning Commission recommended the revisions 7-0 following that public hearing.