RESOLUTION NO. 2877

A RESOLUTION OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, AMENDING AND CREATING PAYSON TOWN CODE SECTION 154-02-017 OF THE UNIFIED DEVELOPMENT CODE RELATING TO COMMUNITY GARDENS AND DECLARING SUCH AMENDMENT TO BE A PUBLIC RECORD.

WHEREAS, the Town of Payson regulates businesses, land use, and residential zoning for the benefit of Town of Payson; and

WHEREAS, in 1996, the Mayor and Council approved Ordinance 466 adopting the Unified Development Code ("UDC") and in 2014 approved Ordinance 850 Incorporating the UDC into the main Town Code compilation; and

WHEREAS, the Code of the Town of Payson ("Code") was declared to be a public record by Resolution Number 1536 and was adopted as a public record by Ordinance Number 588; and

WHEREAS, Section 154-02-017 provides for Community Gardens subject to conditions and subject to an Application/Review process and Standards of Review thus the Common Council finds that it is in the best interest of the Town of Payson to create a UDC Section to regulate Community Gardens; and

WHEREAS, it is the intention of the Town of Payson to amend the provisions of the Code Section 154-02 by creating and adopting Section 154-02-017 to the Unified Development Code; and

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

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

Section 1: Section 154-02 of the Unified Development Code of the Town of Payson is hereby amended and Sub-Section 154-02-017 shall read as set forth in Exhibit A; and

Section 2: Section 154-02-017 is hereby created and adopted to allow, encourage and provide for Community Gardens in all zoning designations subject to conditions; and

Section 3: This Resolution and said attached Exhibit A are hereby declared to be a public record.

Prepared by Town of Payson Legal Department

HMF:drs August 24, 2015 (12:41PM)

82415.RESO.COMMUNITY.GARDENS.PR

SEP 03 2015 D.2.A

PASSED AND ADOPTED by the Mayor and Common Council of the Town of Payson, Arizona, this _____ day of _____, 2015, by the following vote:

AYES: _____ NAYES: _____ABSENT: _____ ABSTAINED:_____

_____
Kenny J. Evans, Mayor

ATTEST:

APPROVED AS TO FORM:

_____
Silvia Smith, Town Clerk

_____
Hector M. Figueroa, Town Attorney

Prepared by Town of Payson Legal Department

HMF:drs August 24, 2015 (12:41PM)

82415.RESO.COMMUNITY.GARDENS.PR

Exhibit A

§154-02-017 COMMUNITY GARDENS

(A) *Purpose and intent.*

1) It is the intent of this section to allow, encourage, and provide for community gardens in all zoning designations subject to the established stipulations and any site specific conditions.

2) The purpose of this section is to establish appropriate standards which allow for community gardens, while mitigating any associated undesirable impacts. Community gardens may create impacts which can be detrimental to the quality of life of adjacent property owners.

(B) Application and review process.

1) An application for an administrative review of the community garden shall be submitted along with a site plan to the Planning and Development Department on forms provided by the town with all the supporting applicable requirements.

2) The application shall be reviewed by the Planning and Development Department in conjunction with other appropriate town departments, and a decision on issuance of the permit shall be made after allowing ten days for public comment.

3) Notice shall be provided by first class mail, postmarked at least five days prior to the determination, to adjacent property owners determined by the Planning and Development Department as potentially affected by the request.

(C) Standards of review.

1) Accessory structures shall:

i. be limited to the rear 50% of the lot

ii. not exceed a combined floor area of 200 square feet or 1% of the lot size (whichever is greater)

iii. comply with the setbacks of the zoning district in which the garden is located if not an exempt structure

iv. be no closer than three feet from any property line

2) Fencing shall complement the surrounding properties with regards to design, materials, and colors

3) Hours of operation and visitation shall be limited to daylight hours only

4) For a community garden in a residential district, signage is limited to a single, non-illuminated, flat sign of no more than six (6) square feet

i. Signage in all other districts shall comply with the corresponding standards

5) Unattended animals are prohibited within community gardens

6) Additional stipulations may be created by the Planning and Development Director based on site specific conditions and input from adjacent property owners

(D) Appeals.

1) Any person aggrieved by a decision of the Planning and Development Director may appeal to the Planning and Zoning Commission within 30 calendar days of the decision. The Commission may reverse, affirm, or modify the decision of the Planning and Development Director.

§154-11-002 DEFINITIONS

COMMUNITY GARDEN. means an area of land managed and maintained by a group of individuals to grow and harvest food crops and/or ornamental crops for personal or group use, consumption, or donation. Community gardens may be divided into separate plots for cultivation by one or more individuals or may be farmed collectively by members of the group and may include common areas maintained and used by group members.