ORDINANCE NO. 874

AN ORDINANCE OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF PAYSON, ARIZONA, AMENDING PAYSON TOWN CODE SECTIONS 154-05-005(D)(4) AND (6) OF THE UNIFIED DEVELOPMENT CODE RELATING TO ELECTRONIC MESSAGE CENTERS.

WHEREAS, the Town of Payson regulates the type, size, and placement of signs to assure citizen safety, to protect the public's health and safety, and to maintain and increase property values; and

WHEREAS, on April 4, 2013, the Mayor and Council approved Ordinance 829 and Resolution 2706 amending the Unified Development Code ("UDC") relating to, among other things, electronic message centers to allow businesses greater access to signage; and

WHEREAS, on September 21, 2015, the Town of Payson Planning and Zoning Commission held a public hearing regarding proposed amendments to UDC Sections 154-05-005(D)(4) and (6) that would further refine the electronic message center signage regulations and recommended approval of such amendments to the Town Council; and

WHEREAS, the Town Council held Public Hearings on October 15, 2015 and November 5, 2015 on the proposed amendments to UDC Section 154-05-005 and desires to enact said amendments,

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

SECTION 1: That Payson Unified Development Code Sections 154-05-005(D)(4) and (6) are amended, and as amended shall read as follows:

154-05-005 PERMITTED SIGNS.

(D) Electronic message center signage/EMCs. EMCs may be utilized as a component of signs allowed by divisions (A) or (B) of this section subject to the following regulations:

4. Area of Sign Allowable as Electronic Message Center. No EMC shall exceed ~~50%~~ *100%* of the legal maximum allowable area of a sign. The legal maximum allowable area of a sign shall be determined as of the date of the EMC installation.

6. Residential Districts. (This section applies to uses that are permitted or conditional in R-1, R-2, or R-3, exclusive of home occupations. For home occupation sign standards, see Home Occupation Signs, Section (E) below.)

(a) EMCs may be utilized on properties in residentially zoned districts if the EMC has been approved as part of a Conditional Use Permit application for the property upon which it is located ~~and the EMC is not within 300 feet of the boundary of a property zoned for or used for residential purposes~~ *or subsequent review following the notification and hearing guidelines for administrative relief.*

Prepared by Town of Payson Legal Department
HMF:drs 10/2/2015 9:52 AM
O:\Civil\Ordinances\874 UDC Amend re Electronic Message Centers (2015).docx

Second Reading - Public Hearing NOV 0 5 2015 2.4

First Reading + Public Hearing OCT 1 5 2015 G.6

~~**(b) An EMC located on property adjacent to residentially zoned property or property used for residential purposes shall not face the residential use.**~~

SECTION 2: All ordinances and parts of ordinances in conflict with the provisions of this Ordinance or any part of the Code adopted herein by reference are hereby repealed.

SECTION 3: If any portion of this Ordinance is held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this Ordinance.

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

AYES: _____ NOES: _____ ABSTENTIONS: _____ ABSENT: _____

_____
Kenny J. Evans, Mayor

ATTEST:

_____
Silvia Smith, Town Clerk

APPROVED AS TO FORM:

_____
Hector M. Figueroa, Town Attorney

Prepared by Town of Payson Legal Department
HMF:drs 10/2/2015 9:52 AM
O:\Civil\Ordinances\874 UDC Amend re Electronic Message Centers (2015).docx

ORDINANCE NO. 874

AN ORDINANCE OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF PAYSON, ARIZONA, AMENDING PAYSON TOWN CODE SECTIONS 154-05-005(D)(4) AND (6) OF THE UNIFIED DEVELOPMENT CODE RELATING TO ELECTRONIC MESSAGE CENTERS.

WHEREAS, the Town of Payson regulates the type, size, and placement of signs to assure citizen safety, to protect the public's health and safety, and to maintain and increase property values; and

WHEREAS, on April 4, 2013, the Mayor and Council approved Ordinance 829 and Resolution 2706 amending the Unified Development Code ("UDC") relating to, among other things, electronic message centers to allow businesses greater access to signage; and

WHEREAS, on September 21, 2015, the Town of Payson Planning and Zoning Commission held a public hearing regarding proposed amendments to UDC Sections 154-05-005(D)(4) and (6) that would further refine the electronic message center signage regulations and recommended approval of such amendments to the Town Council; and

WHEREAS, the Town Council held Public Hearings on October 15, 2015 and November 5, 2015 on the proposed amendments to UDC Section 154-05-005 and desires to enact said amendments,

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

SECTION 1: That Payson Unified Development Code Sections 154-05-005(D)(4) and (6) are amended, and as amended shall read as follows:

154-05-005 PERMITTED SIGNS.

(D) Electronic message center signage/EMCs. EMCs may be utilized as a component of signs allowed by divisions (A) or (B) of this section subject to the following regulations:

4. Area of Sign Allowable as Electronic Message Center. No EMC shall exceed ~~50%~~ *100%* of the legal maximum allowable area of a sign. The legal maximum allowable area of a sign shall be determined as of the date of the EMC installation.

6. Residential Districts. (This section applies to uses that are permitted or conditional in R-1, R-2, or R-3, exclusive of home occupations. For home occupation sign standards, see Home Occupation Signs, Section (E) below.)

(a) EMCs may be utilized on properties in residentially zoned districts if the EMC has been approved as part of a Conditional Use Permit application for the property upon which it is located ~~and the EMC is not within 300 feet of the boundary of a property zoned for or used for residential purposes~~ *or subsequent review following the notification and hearing guidelines for administrative relief.*

NOV 0 5 2015 D.4

Prepared by Town of Payson Legal Department
HMF:drs 10/2/2015 9:52 AM
O:\Civil\Ordinances\874 UDC Amend re Electronic Message Centers (2015).docx

Second Reading - Public Hearing

First Reading + Public Hearing OCT 1 5 2015 G.6

~~(b) An EMC located on property adjacent to residentially zoned property or property used for residential purposes shall not face the residential use.~~

SECTION 2: All ordinances and parts of ordinances in conflict with the provisions of this Ordinance or any part of the Code adopted herein by reference are hereby repealed.

SECTION 3: If any portion of this Ordinance is held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this Ordinance.

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

AYES: _____ NOES: _____ ABSTENTIONS: _____ ABSENT: _____

_____
Kenny J. Evans, Mayor

ATTEST:

_____
Silvia Smith, Town Clerk

APPROVED AS TO FORM:

_____
Hector M. Figueroa, Town Attorney

Prepared by Town of Payson Legal Department
HMF:drs 10/2/2015 9:52 AM
O:\Civil\Ordinances\874 UDC Amend re Electronic Message Centers (2015).docx