ORDINANCE NO. 880

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE TOWN OF PAYSON, ARIZONA, AMENDING PAYSON TOWN CODE SECTION 154-02-004 TO THE UNIFIED DEVELOPMENT CODE RELATING TO THE KEEPING OF LIVESTOCK TO REMOVE THE FRONT YARD EXCLUSION, ESTABLISHING A SUNSET CLAUSE AND DECLARING SUCH AMENDMENT AND ADDITION TO BE A PUBLIC RECORD.

WHEREAS, the Code of the Town of Payson ("Code") was declared to be a public record by Resolution 1536 and was adopted as a public record by Ordinance 588; 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 currently does not permit livestock to be kept in residential front yards; and

WHEREAS, on May 2nd, 2016, the Town Planning and Zoning Commission held a public hearing regarding the proposed amendment to Unified Development Code Section 154-02-004 (Residential district stipulations and provisions) regarding removing the prohibition against keeping livestock in front yards and recommended approval to the Town Council of said amendment; and

WHEREAS, the Town Council held Public Hearings on May 19, 2016 and June 2, 2016 on the proposed amendment to UDC Section 154-02-004 and desires to enact said amendment to the UDC; and

WHEREAS, the Town Council heard and considered public input at a Public Hearing and, because of concerns associated with Proposition 207 (The Private Property Rights Protection Act), desires to address concerns and suggestions received by establishing and adopting a Sunset Clause for a period of sixty (60) months with a review process to take place during the six (6) months prior to the expiration date.

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

SECTION 1: That Section 154-02-004(B)(3)(c) of Chapter 154 (the Unified Development Code) of the Code of the Town of Payson is hereby amended and shall read as follows:

c. *No poultry shall be permitted in any front yard, nor shall any horses or other livestock be maintained closer than 75 feet from any residential unit on another lot. Where an adjacent residential lot is not currently developed, the required setbacks on the adjacent property shall*

be used to determine the potential placement of animals, animal enclosures, corrals, etc., to ensure the 75 foot separation from horses, other livestock and roosters.

SECTION 2: 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 2nd day of June, 2016, 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

Town of Payson Legal department
HMF:dkk
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