

ORDINANCE NO. 752

AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, AMENDING THE UNIFIED DEVELOPMENT CODE RELATING TO ACCESSORY LIVING QUARTERS, INCLUDING ACCESSORY DWELLING UNITS, GUEST HOUSES, AND GUEST QUARTERS AND ADOPTING SUCH AMENDMENTS BY REFERENCE (ACCESSORY DWELLING UNITS).

WHEREAS, The Town currently allows Guest Houses and Guest Quarters to be utilized in Single Family zoning districts; and

WHEREAS, such Guest Houses and Guest Quarters may only be used for nonpaying guests; and

WHEREAS, the Town desires to amend the Guest House and Guest Quarters provisions of the Unified Development Code and to additionally add a provision allowing Accessory Dwelling Units which may be rented; and

WHEREAS, on October 13, 2008, the Planning and Zoning Commission held a Public Hearing on the recommended amendments to Guest Houses and Guest Quarters and the addition of Accessory Dwelling Units and recommended approval of such amendments and additions; and

WHEREAS, on January 8, 2009, the Payson Town Council conducted a public hearing on the proposed amendments and additions; and

WHEREAS, the Town finds that the amendments to the Guidelines will provide clarity, streamline the review process, and provide consistency to applicants; and

WHEREAS, amendments to Sections 15-02-004, 15-02-005, 15-02-013, 15-11-002, 15-12-001, and 15-12-002 of Chapter 154 (The Unified Development Code) of the Code of the Town of Payson were declared to be a public record by Resolution 2458; and

WHEREAS, it is the desire of the Mayor and Common Council to amend the Code of the Town of Payson by amending Sections 15-02-004, 15-02-005, 15-02-013, 15-11-002, 15-12-001, and 15-12-002 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 amendments to Sections 15-02-004, 15-02-005, 15-02-013, 15-11-002, 15-12-001, and 15-12-002 (Relating to Accessory Living Quarters) of Chapter 154 (the Unified Development Code) of the Code of the Town of Payson set forth in Resolution 2458 were heretofore declared to be a public record by such Resolution,

Prepared by Town of Payson Legal Department

cc American Legal  
Community Dev  
Page 1 -  
Revised 2X  
PO # 160015  
post 3 place

See Res 2458  
FIRST READING & PUBLIC HEARING JAN 08, 2009 G. 7  
Second Reading & Public Hearing JAN 22 2009 G. 2, A 4, 35, Book

and that the amendments to Sections 15-02-004, 15-02-005, 15-02-013, 15-11-002, 15-12-001, and 15-12-002 are hereby referred to and adopted by this reference as though all the provisions thereof were set forth in full in this Ordinance Number 752.

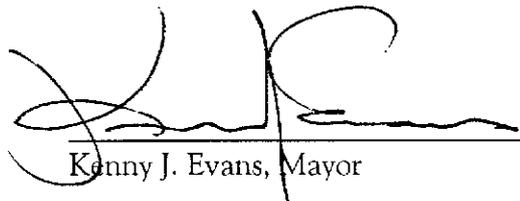
Section 2. That at least three copies of the amendments to Sections 15-02-004, 15-02-005, 15-02-013, 15-11-002, 15-12-001, and 15-12-002 of Chapter 154, as adopted by this Ordinance Number 752 shall be filed in the Office of the Clerk of the Town of Payson and the same shall be maintained and kept available for public use and inspection.

Section 3. All ordinances and parts of ordinances in conflict with the provisions of this Ordinance Number 752 are hereby repealed to the extent of such conflict.

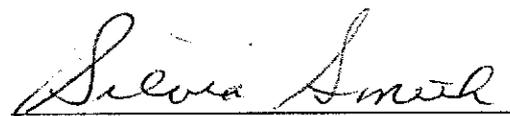
Section 7. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The Town Council of Payson declares that it would have adopted this Ordinance and each section, subsection, sentence, clause, phrase, or portion thereof, irrespective of the fact that any one (1) or more sections, subsections, sentences, clauses, phrases, or portions may be declared invalid or unconstitutional.

**PASSED AND ADOPTED BY THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON** this 22<sup>nd</sup> day of January, 2009, by the following vote:

AYES 7 NOES 0 ABSTENTIONS 0 ABSENT 0

  
Kenny J. Evans, Mayor

ATTEST:

  
Silvia Smith, Town Clerk

APPROVED AS TO FORM:

  
Samuel I. Streichman, Town Attorney