RESOLUTION NO. 2541

A RESOLUTION OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, AMENDING PROVISIONS OF THE TOWN'S UNIFIED DEVELOPMENT CODE RELATING TO BUILDING HEIGHT, AND DECLARING SUCH AMENDMENTS TO BE A PUBLIC RECORD.

WHEREAS, the Code of the Town of Payson was declared to be a public record by Resolution Number 1536 of the Town of Payson; and

WHEREAS, the Code of the Town of Payson was adopted as a public record by Ordinance Number 588 of the Town of Payson; and

WHEREAS, it is the intention of the Town of Payson to amend various portions of Chapter 154 (the Unified Development Code) of the Code of the Town of Payson relating to Building Height; and

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

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

Section 1. Section 15-02-003(A)(1)(b), of Chapter 154 of the Code of the Town of Payson is hereby amended, is declared to be a public record, and as amended shall read as set forth in Exhibit 1 attached hereto.

Section 2. Section 15-09-017 (Alternate Standards) of Chapter 154 of the Code of the Town of Payson is hereby added, is declared to be a public record, and as added shall read as set forth in Exhibit 2 attached hereto.

Section 3. The Definition of 'Building Height' under Section 15-11 (Definitions) of Chapter 154 of the Code of the Town of Payson is hereby amended, is declared to be a public record, and as amended shall read as set forth in Exhibit 3 attached hereto.

Section 4. The following sections of Chapter 154 of the Code of the Town of Payson are hereby amended, are declared to be a public record, and as amended shall read as set forth below in order to conform with the amendments and additions set forth in Sections 1-3 above:

15-02-004(D) **Lot Development Standards**
The chart entitled "Table of Residential Lot Development Standards", which follows, establishes the minimum requirements for sizes of lots, areas per dwelling units, yard setbacks and space between buildings, lot depth and percent of lot coverage under roof; and establishes the standard for required connection to public water and sewer systems.

Footnote 1 of the **Table of Residential Lot Development Standards**
BUILDING HEIGHT: SEE SECTION 15-02-003.

15-02-005(D)(1) **Lot Development Standards**
The chart entitled "Table of Commercial Lot Development Standards", that follows, establishes the minimum requirements for sizes of lots, dwelling unit area, yard setbacks, space between buildings and percent of lot coverage under roof; and establishes the standard for required connection to public water and sewer systems.

Footnote 1 of the **Table of Commercial Lot Development Standards**
BUILDING HEIGHT: SEE SECTION 15-02-003.

15-02-006(D) **Lot Development Standards**
The chart entitled "Table of Industrial Lot Development Standards", which follows, establishes the minimum requirements for sizes of lots, units, yard setbacks and space between buildings, and percent of lot coverage under roof; and establishes the standard for required connection to public water and sewer systems.

Footnote 1 of the **Table of Industrial Lot Development Standards**
BUILDING HEIGHT: SEE SECTION 15-02-003.

15-02-007(C)(2) **General Requirements and Standards for Planned Area Development District**
Submittal of a PAD Plan is required as part of the PAD approval process. All PAD rezoning applications are subject to the provisions of Section 15-09 of this code, with the exception of subsection 15-09-008 A.3., which shall be replaced with the requirement for the submission of a PAD Plan . All PADs are subject to the provisions of subdivision regulations, home occupation regulations, street improvement requirements, design review regulations as they may apply to commercial, industrial, and multi-family development and other applicable regulations.

15-02-011(D)(7) **Development Standards for Special Plan District**
RESERVED

Section 5. Section 15-02-015(C) (Airport Zone Height Limitations) of Chapter 154 of the Code of the Town of Payson is hereby amended, is declared to be a public record, and as amended shall read as set forth below:

The height of all construction, structures, buildings and landscaping in the following zones shall be limited by the lesser of the allowable height under Section 15-02-003 (Building Heights) and the height limitations set forth below:

Section 6. Section 15-02-015(C)(8) (Airport Zone Height Limitations) of Chapter 154 of the Code of the Town of Payson is hereby amended, is declared to be a public record, and as amended shall read as set forth below:

Height Limitations - Prior to the construction of any structure within 1,200 feet of the nearest point on the airport runway, the developer of such structure shall notify the Federal Aviation Administration, as prescribed in FAA part 77-D. Proof of such notification and Federal Aviation Administration approval of such construction shall be required prior to the Town issuing any building, grading, or other development permits.

Section 7. Except as provided in Sections 5 and 6 above, nothing in this Resolution shall affect the provisions of Section 15-02-015 - Airport Overlay District.

PASSED AND ADOPTED BY THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON this 15th day of April, 2010, 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

Exhibit 1
to
Resolution 2541

15-02-003 General Development Standards and Zoning Provisions

The following shall apply to all zoning districts, unless otherwise specifically stated in this Code:

A. General Development Standards

1. Structures and Uses - All structures shall be used only for purposes compatible with the district in which they are located, and shall meet the following requirements:
   a. The authorization of a particular class of structure or use in a designated district as specified in this Code is prohibited in all other districts unless specifically allowed in that district. A use that is not permitted in that district shall not be considered as an accessory use in that district. The determination of whether or not a use is specifically designated shall be determined by the Zoning Administrator.
   b. Building Height:
      (1) Buildings in Single Family Residential (R1) zoning districts and upon any portion of property within 75' of Single Family Residential zoned property, regardless of zoning district, shall not exceed 35 feet in height.
      (2) Buildings in Multifamily (R2, R3), Commercial (C1, C2, C3) and Industrial (M-1, M-2) zoning districts shall not exceed 45 feet in height, except as provided in sections (3) and (4) below.
      (3) Buildings in Multifamily (R2, R3), Commercial (C1, C2, C3) and Industrial (M-1, M-2) zoning districts may petition the Planning & Zoning Commission for a 25% increase in the maximum allowed building height in accordance with Section 15-09-017 Alternate Standards – Building Height.
      (4) Building height within Planned Area Developments (PAD) shall be limited by the approved PAD plan and narrative, and shall address the factors noted in Section 15-09-017A.4.

      PAD's approved prior to January 1, 2010 shall be subject to the provisions in place on the date of approval of such PAD. Changes to building heights within these previously approved PAD's may only be requested through the provisions of Section 15-09-017 or with a new PAD application.
      (5) Administrative relief, under 15-08-008, is not available from the provisions of subsection b, Building Height.

Exhibit 2
to
Resolution 2541

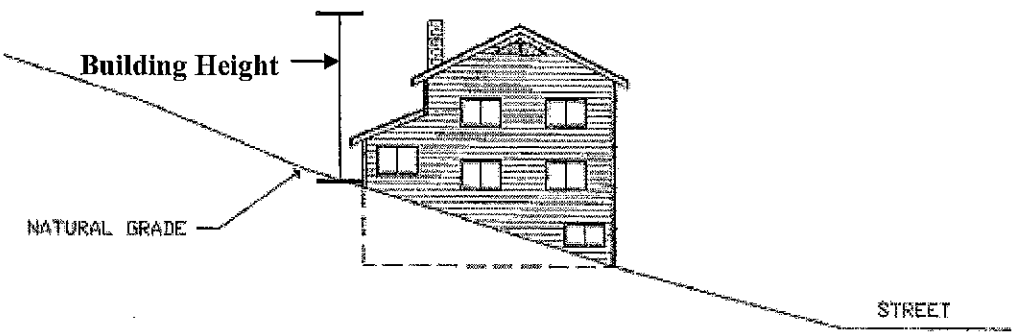
15-09-017 Alternate Standards

A. Building Height

1. The Conditional Use Permit process shall apply to requests for allowances under this section, except as provided in sections 2-5 below.
2. Additional Application Requirements. Additional submittal information may be imposed upon applications for consideration under this section. Submittal of scaled models, 3-D electronic models, and additional information showing relationship to surroundings may be required for application at the determination of the Community Development Director.
3. Additional Noticing Requirements. Newspaper notices for all hearings under the these provisions shall be of the Display Ad type and shall cover not less than 1/8 page.
4. In addition to Section 15-09-004.C - Standards of Review, applicants requesting approval of projects under this section shall address the following:
   a. visual impact of additional building height upon ridge lines/sky lines, view sheds, as well as light and shadow impacts
   b. height/elevation of the building(s) relative to the center line of adjacent roadways, adjacent properties and other structures
   c. preservation of native vegetation
   d. scale of adjacent development
   e. elimination of legal non-conforming uses, slum, or blight
   f. privacy of adjacent property owners
   g. distance of the proposed building from the edge of the property
   h. community benefits derived from the additional height
   i. location and size of parcel
5. The Commission, in considering applications for development under this section, shall weigh the above factors and may allow, conditionally allow, or deny any application based upon these factors.

B. Reserved

Exhibit 3
to
Resolution 2541

15-11 Definitions

Building Height – Building height is calculated by measuring the difference between the highest point of natural grade within the building footprint and the highest vertical portion of the building.