Town of Payson
Unified Development Code
Section 15-02

SECTION	TITLE	PAGE
15-02	**ZONING DISTRICTS**	
15-02-001	Establishment of Zoning Districts	2
15-02-002	Zoning Map and District Boundaries	3
15-02-003	General Development Standards and Zoning Provisions	4
15-02-004	Residential Districts	11
15-02-005	Commercial Districts	18
15-02-006	Industrial Districts	20
15-02-007	Planned Area Development Overlay District	22
15-02-008	National Forest District (NF)	30
15-02-009	MH: Manufactured Home Overlay District	31
15-02-010	MHP: Manufactured Home Park District	32
15-02-011	SPD: Special Plan District	34
15-02-012	OS: Open Space District	37
15-02-013	Special Plan District - Green Valley Redevelopment Area	38
15-02-014	Design Review	54
	Appendix D	74
15-02-015	Airport Overlay District	83
15-02-016	Educational Facilities District (EF)	87

15-02 ZONING DISTRICTS

15-02-001 Establishment of Zoning Districts

In conformity with the intent and purpose of this Code and the Payson Master Plan, zoning districts are adopted pursuant to Section 9-400 et seq. of the Arizona Revised Statutes, in order to classify, regulate, restrict and separate uses of land and structures, and to establish minimum standards for lot dimensions and areas, setback widths and depths, percent of lot coverage and open spaces, lot area required for dwelling units and other structures, as follows:

A. SINGLE FAMILY RESIDENCE DISTRICTS

R1-6	6,000 square foot minimum lot size
R1-8	8,000 square foot minimum lot size
R1-10	10,000 square foot minimum lot size
R1-12	12,000 square foot minimum lot size
R1-18	18,000 square foot minimum lot size
R1-35	35,000 square foot minimum lot size
R1-44	44,000 square foot minimum lot size
R1-70	70,000 square foot minimum lot size
R1-90	90,000 square foot minimum lot size
R1-175	175,000 square foot minimum lot size

B. MULTIPLE FAMILY RESIDENCE DISTRICTS

R2	General Multi-Family
R3	Transitional Multi-Family

C. COMMERCIAL DISTRICTS

C-1	Neighborhood Service
C-2	General Commercial
C-3	Roadway Frontage

D. INDUSTRIAL/MANUFACTURING DISTRICTS

M-1	Light Industrial
M-2	General Industrial

E. PLANNED AREA DEVELOPMENT DISTRICT (PAD)

F. NATIONAL FOREST DISTRICT (NF)

G. SPECIAL USE AND OVERLAY ZONING DISTRICTS

AO	Airport Overlay
SP	Special Planning District
MH	Manufactured Home District Overlay
MHP	Manufactured Home Park
OS	Open Space

15-02-002 Zoning Map and District Boundaries

The locations and boundaries of the various zoning districts are established as they are shown on the map entitled "Town of Payson Zoning Map" as amended and approved by the Council. The Zoning Map, as amended, is an official record and is part of this Code.

A. Where uncertainty exists as to the boundaries of any of the districts shown on the Zoning Map the following provisions shall apply:

1. Zoning district boundary lines generally follow street, alley, lot or property lines, as they exist at the effective date of this Code, except where district boundary lines are specifically fixed by other dimensions shown on the Zoning Map.
2. Where a zoning district boundary is not clearly discernible on the Zoning Map, the boundaries shall be determined by the Zoning Administrator.
3. Where a lot is divided by one or more district boundary lines, the entire lot shall be deemed to be included in the most restrictive district classification unless the less restrictive uses have already been established for a majority of the allowable density. This zoning standard applies only to properties created after the adoption of the Unified Development Code and does not apply to multi-zoned properties, legally existing, before the Unified Development Code was adopted.

B. Where a public street, alley, or other right of way is officially abandoned, the district classification assigned to the abutting property shall apply, except where such was a boundary between districts, in which case the districts shall be extended to the centerline.

C. Conditions imposed by special ordinance in conjunction with amendments to the Zoning Map are considered an integral part of the Zoning Map.

D. Territory annexed to the Town subsequent to the effective date of this Code, shall be assigned a zoning district classification that is compatible with the County zoning in place on the effective date of the annexation.

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 (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.

      PADs 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 Planned Area Development application.
      (5) Administrative relief, under 15-08-008, is not available from the provisions of subsection b, Building Height.
   c. No building or structure shall be erected or added to, so as to encroach upon or reduce any open space, yard/setback, lot area, or parking area specified for that district, unless otherwise herein; and the yard and open space located on one lot shall not be used to meet yard or open space requirements for a structure on any other lot.
   d. Any building regulated by the current Building Code may be removed from a property only when a demolition permit has been obtained from the Building Official.
2. Lots - All lots shall conform to the following, unless otherwise specified in this Code:
   a. Frontage - Front lot lines shall meet minimum width standards specified by the zoning district in which the lot is located. Every lot shall have frontage on a dedicated and improved street, unless the lot is part of a district which permits private streets.
   b. Combined lots - Where two or more lots are used as a building site with structure(s) that cross lot lines, the entire area shall be considered as one lot and shall be recorded with a new legal description that establishes the combined lots as one lot.
   c. Property Monumentation - The Building Official may require any individual, firm or

corporation applying for a building permit to improve a lot, to place monumentation to mark property corners to determine the necessary setbacks and building envelopes.

d. Cul-de-sac or irregular shaped lots - Shall have a minimum lot width at the street frontage of 35 feet and meet the minimum lot requirements specified for the respective zoning district in this Code. If the side property lines are not parallel, the width of the lot shall be determined according to the definition for lot width specified in Section 15-11 of this Code.

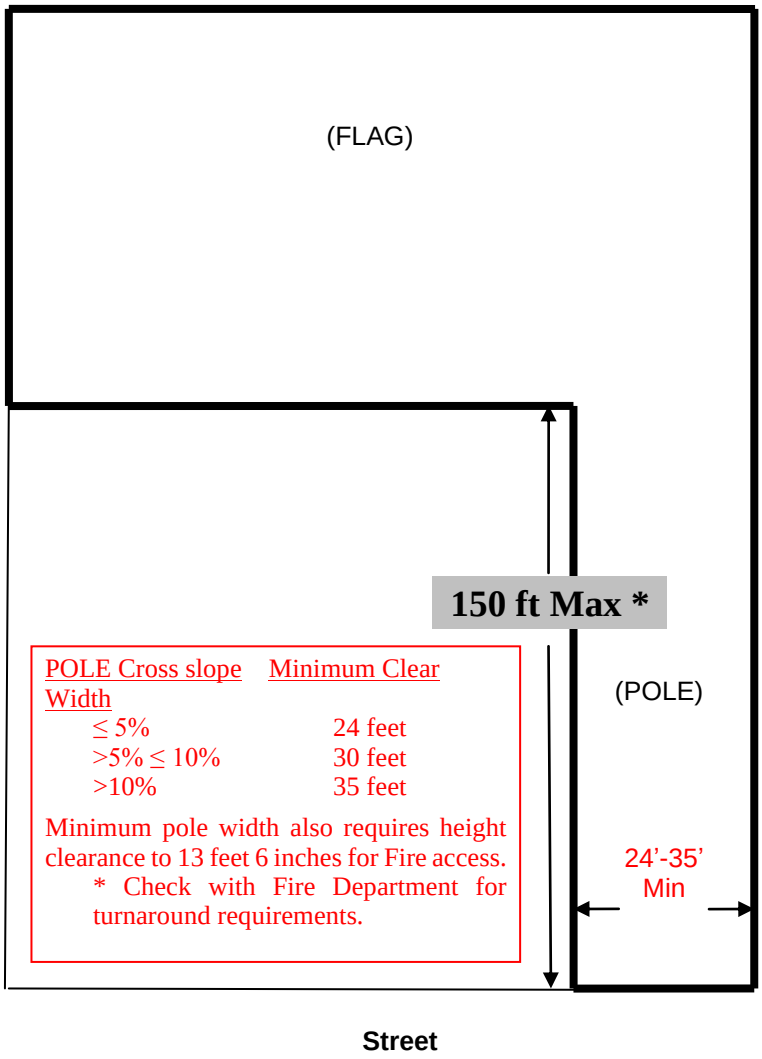
e. Substandard Lots - Any lot originally platted in a legal manner according to existing development standards, yet does not meet the current dimension or area standards defined for the zone or district in which it is located, shall be considered a legal lot.

f. Flag Lots -The maximum depth of the pole section of a flag lot shall be 150 feet. The minimum width of the pole section of a flag lot shall be as follows:

   i. 24 feet for pole sections having, at the location of the highest cross slope, a cross slope of less than or equal to 5%

   ii. 30 feet for pole sections having, at the location of the highest cross slope, a cross slope of more than 5% and less than or equal to 10%; and

   iii. 35 feet for pole sections having, at the location of the highest cross slope, a cross slope of more than 10%.



3. Yards - Standards for lot and building areas are established in the Tables of Development Standards found in Sections 15-02-004, 15-02-005, 15-02-006, and as otherwise specified in this Code and the current Building Code, according to the following:
   a. All Yards:
      (1) Cornices, eaves, coolers, central air conditioning systems, or open balconies may project not more than five feet into any minimum setback provided the projection is no closer than two feet from a property line.
      (2) Sills, leaders, belt courses, similar ornamentation, and chimneys may project not more than three feet into any minimum yard or court.
   b. Side Yards:
      (1) When a lot side borders on an alley, the alley side yard may be reduced to not less than 50 percent of the side yard required for an interior lot in the district, provided such yard plus half the alley width is not less than the yard width required for the district.
      (2) On legal substandard width lots for the district in which it is located, the side setbacks, except on the street or alley side, may be reduced two inches for each foot that the lot width is short of the required minimum width for such district, but in no case may such side yard be reduced to a width of less than 75 percent of such required minimum.
   c. Front and Rear Yards:
      (1) On legal substandard depth lots for the district in which it is located, the front or rear setbacks, except on the street or alley side, may be reduced three inches for each foot that the lot depth is short of the required minimum depth for such district, but in no case may such front and rear yards be reduced to an area of less than 75 percent of such required minimum.
      (2) Front Yard Projections:
         (a) A bay window, oriel, entrance or vestibule, which is not more than ten feet in width, may project not more than three feet into any minimum front yard.
         (b) An attached open porch, carport or balcony may project not more than six feet into any minimum front yard.
      (3) Rear Yard Projections:
         (a) A bay window, oriel, entrance or vestibule, which is not more than ten feet in width, may project not more than three feet into any minimum rear yard.
         (b) An attached open porch, carport, or balcony may project not more than ten feet into any minimum rear yard, provided no such projection is less than ten feet from a common rear property line.
4. Access Standards - Access to all roads within the Town shall accommodate a safe and efficient flow of traffic according to the following:
   a. Single family residential uses shall take direct access only to a residential street from the designated lot front. Access to a collector or arterial street may be used if no other access options are available, provided that both ingress and egress are accomplished with the vehicle moving in a forward direction.
   b. All multi-family development shall take direct access to a collector or arterial street.
   c. All nonresidential uses shall take primary access to a collector or arterial street according to the following:

(1) Nonresidential uses permitted in a residential zoned area may take direct access only after obtaining a conditional use permit; and the applicant for such a permit shall submit average daily traffic count projections, hours of operation for facility, and a site plan showing parking area, spaces and ingress and egress to parking area.

(2) The Public Works Director may require off-site street improvements necessary to safely accommodate increased traffic to the site, and these improvements shall be in accordance with the "Street Design Standards of the Town of Payson", as adopted, Section 15-07 of this Code, and as otherwise specified in this Code.

d. Driveway entrances shall be designed in accordance with Town design requirements to provide adequate street access as specified in Section 15-07 and elsewhere in this Code for each lot, and according to the following:

(1) Commercial and Industrial use - Minimum driveway entrance width shall be no less than 16 feet for one-way traffic, and no greater than 40 feet; and shall be at least 24 feet wide for two-way traffic isles.

(2) Residential use, arterials - Minimum driveway entrance width shall be no less than 16 feet and no greater than 30 feet.

(3) Residential use, collectors, and local streets - Minimum driveway entrance width shall be no less than 12 feet and no greater than 30 feet.

5. Hillside Development - Repealed by Ordinance 532, see Sections 15-07-002 and 15-09-010(E)(6).

6. Accessory Uses

a. Accessory buildings, structures and uses shall be permitted in all districts, provided each is incidental and subordinate to the primary use, and:

(1) A primary permitted structure must be established either prior to or simultaneously with the issuance of a building permit for an accessory use.

(2) No use that is to be carried on in an accessory structure shall violate the permitted uses in that district.

b. The following apply to structures exempt from the current Building Code:

(1) Accessory structures must be located in the side or rear yard of the property, and no closer than three feet from any property boundary.

(2) No accessory structure shall exceed a height of 15 feet, unless otherwise provided by this Code.

(3) Three accessory structures shall be permitted if they comply with the density standards for the lot, when these structures are combined in terms of area with other structures on the lot.

c. Accessory structures exceeding 144 square feet shall require a building permit.

d. Authorization of a particular class of structure or use in a designated district 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 authorized shall be made by the Zoning Administrator, with rights of appeal to the Board of Adjustments.

7. Drainage Improvements - Improvements to, or other uses of property shall not interfere with or obstruct the established drainage pattern over the lot from or to adjacent lots, and any modification of drainage on the lot, such as paving, piping or channelization shall not

increase the runoff in such a manner as to cause flooding or flood related damage to adjacent lots or public facilities. Before any grading or excavation is undertaken by any owner/lessee upon any lot, the plan for such grading or excavation shall be consistent with the natural terrain of the site and shall be approved by the Public Works Department.

8. Street Design Standards - All streets designed for use in the Town of Payson shall meet the street design standards specified in Section 15-07-002.C., unless otherwise specified in this Code.
9. Mobile Storage Units, Railroad Cars, Tractor Trailer Units, and Shipping Containers
   a. Industrial Districts - Mobile Storage Units, railroad cars, tractor trailer units, and shipping containers may be used as accessory structures within Industrial Districts.
   b. Commercial Uses -
      (1) Mobile Storage Units are permitted in Commercial Districts utilized for commercial purposes and other properties legally utilized for commercial uses subject to the following provisions:
         i. No more than two Mobile Storage Units per parcel may be utilized;
         ii. Each Mobile Storage Unit shall not exceed eight feet in height, eight feet in width, and sixteen feet in length;
         iii. Mobile Storage Units shall not be placed (1) within fifteen feet of any building or adjoining property line, (2) within a front or street side yard, or (3) within required landscape areas, open space, or parking areas;
         iv. Mobile Storage Units shall be screened from view of any adjacent public way or residential use; such screening shall be subject to all applicable Design Review requirements;
         v. No animals or toxic/hazardous materials (as determined by the Fire Marshall and/or the Building Official) may be stored in a Mobile Storage Unit;
      (2) Prior to the placement of a Mobile Storage Unit, a permit shall be obtained from the Community Development Department. Such permit shall be issued for a period not to exceed twelve months and may be renewed annually for up to two additional one year terms if requested by the applicant.
   c. Residential Uses - Mobile Storage Units may not be used as accessory structures within Residential Districts or properties being utilized for residential purposes.
   d. Construction/Demolition - Mobile Storage Units may be used in all Zoning Districts in conjunction with and during the period of a valid building and/or demolition permit.

B. General Zoning Provisions

1. Nonconforming Uses - Legally existing nonconforming uses, structures, buildings and other improvements existing upon the real property subject to a nonconforming use may continue as provided below, unless the use creates a nuisance or otherwise violates any other law, rule or regulation.
   a. Continuing Existing Uses: Any use of land, building, structure, or improvement lawfully existing at the time this Code, or subsequent amendments, may be continued, even though such use does not conform to the provisions of this Code.
   b. Discontinuance or abandonment of nonconforming uses:
      (1) If a non-conforming use of land or structure is discontinued or abandoned for 12 consecutive months, any and all future uses shall conform to this Code. Intention to

abandon a use may be evidenced by a change in that use, removal of equipment, materials, improvements, structures, or other indications that the use is no longer intended to continue on that property. Discontinuance of a nonconforming use may be evidenced by removal of equipment, materials, improvements or other indications that such nonconforming use is no longer being made of that property, and/or by a lack of use of the nonconforming use of the subject property for the 12 month period, whether or not any intention to abandon such use is present.

(2) If a non-conforming use or structure is destroyed by fire, earthquake, flood, explosion, natural disaster, or act of public enemy, the nonconformance may be reconstructed and used as before if done within 12 months of the event date.

(3) The Council may acquire, by purchase or condemnation, any nonconforming lot, structures, or signs, provided, the amount paid does not exceed the amount to which the owner would otherwise be entitled in a condemnation proceeding.

(4) Any request for rezoning or variance by the property owner shall be grounds to require that existing nonconforming uses be brought into compliance with this Code.

c. Not withstanding paragraph b(2) above and normal maintenance, a nonconforming use of land or structure shall not be enlarged, extended, reconstructed or structurally altered, unless such enlargement, extension, expansion, reconstruction or structural alteration and further use of such property conforms with the provisions of this Code.

2. Variances **-** A Property owner, or his representative, shall receive a variance from the Board of Adjustment according to 15-09-006, before using such lot to erect a structure, landscaping, or other use not in accordance with the provisions of this Code.

3. Public Nuisance - Uses, activities, conditions and structures in any district in the Town that create a nuisance, as defined in Section 15-11 of this Code, shall be prohibited.

4. Overlay Districts **-** Overlay district regulations/allowances shall supersede requirements of the underlying zoning district only as specified in this Code or otherwise determined by development plans and agreements adopted by Council in concert with this Code.

5. Special Events - Special events, such as outdoor concerts, carnivals, arts and crafts fairs, swap meets and similar events shall be allowed according to the following:

   a. A temporary use permit in accordance with Section 15-09 of this Code has been obtained for the event, and conditions of the permit met.

   b. Temporary parking requirements as determined by the Community Development Department, in consideration of projected volume of traffic, have been met.

   c. Environmental considerations, such as air quality (dust control), and sanitary requirements have been met.

6. Adult book stores, adult retail establishments, adult theaters, other adult entertainment establishments, erotic dance or performance businesses shall be regulated as follows:

   a. None of the uses listed in this Sub-section (15-02-003 B.6) may be located within 1,000 feet of the same type use or any of the other adult uses listed above. The distance shall be measured from the exterior walls of the building in which the business activities are conducted.

   b. None of the uses listed in this Sub-section (15-02-003 B.6) shall be located within 1000 feet of any preschool, kindergarten, elementary or secondary school, church, or any districts identified primarily for residential uses (R1, R2, R3, MHP, MH, and PAD). The distance shall be measured from the exterior walls of the building in which the business

activities are conducted.

c. Notwithstanding any other provision of this ordinance, adult book or novelty stores, adult theaters, other adult live entertainment that features erotic materials, erotic dance or performance facilities, which is a nonconforming use, or which does not conform to the separation standards set forth in this Section shall not be converted to another of the above-listed adult uses.

7. Development Impact Fees shall be applied to all new subdivisions as prescribed according to methods and procedures determined by Council pursuant to State Laws

15-02-004 Residential Districts

A. Purpose and Intent:

1. Single Family Residential District (R-1)
   To promote the development of areas primarily devoted to single family dwelling units, intending that all other uses be installed, operated and maintained in a manner so as to be accessory and to compliment, or at least be of a minimum disruption to such single family uses; also to preserve existing natural vegetation and open areas.
2. Multiple Family Residential District (R-2, R-3)
   To promote the development of residential areas conducive to multi-family living, allowing a variety of dwelling types, including apartments, townhouses, condominiums, and other housing of a more concentrated nature than found in the single-family districts; additionally the R-3 District provides for transitional uses that act as a buffer to protect the character of adjoining residential areas from nearby commercial uses.

B. Residential District Stipulations and Provisions:

1. Primary dwelling units in all residential zoning districts shall meet the building regulations of the Town of Payson. All uses shall be installed, operated and maintained in a manner commensurate with quiet family living. Private, external lighting shall not create any visual intrusion onto neighboring private or public properties. Manufactured housing units may only be installed in zoning districts classified for Manufactured Home (MH) or Manufactured Home Park (MHP) uses.
2. Reserved
3. Livestock and poultry are permitted if they do not create a nuisance, are in conformance to this Code, and are kept in accordance with the following:
   a. A minimum of 1.0 acres of land shall be required for maintenance of livestock or poultry;
   b. A total of two livestock may be maintained on the first acre, and up to one additional livestock for each additional one-half acre;
   c. No livestock or 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 shall be used to determine the potential placement of housing, to ensure the 75 foot separation from horses, other livestock and poultry.
   d. The keeping of all animals shall be subject to the regulations and conditions of the Gila County Health Department and the Town of Payson Animal Control Division.
   e. The keeping of dangerous, wild or non-domestic animals is prohibited.
   f. For the purposes of this subsection, the area comprising an adjoining roadway that has been dedicated to, and accepted by, the Town pursuant to the 2003 Payson Dirt Road Improvement Project shall be included when determining the area of any land.
4. Keeping of poultry, exotic birds or other animals shall be permitted in accordance with the "Table of Residential District Uses", in this Code, and Gila County Health Department standards, and shall be kept in such a manner as to not create a nuisance, nor disturb the character, as defined by this Code, of a residential area. Exotic animals shall be kept in such a manner to prevent any audible, physical, or other disturbance of neighbors.
5. All permitted uses shall be conducted in entirely enclosed buildings; openings in buildings

for the purpose of vending or providing services for the convenience of automotive vehicular traffic are prohibited.

6. A minimum of 15% of the total gross land area of any multi-family development shall be set aside for recreational or other common uses, in addition to areas required for front and street side yards and landscaped areas in parking lots.
7. Prior to development of any multi-family or non-residential project, a specific development plan shall be prepared in compliance with the requirements of Section 15-02-007.B.2. b (Planned Area Development District), and submitted to the Town for review.
8. Manufactured homes, as defined in Section 15-11-002, shall be permitted only in residential districts which have been designated as MH overlay zones, or MHP districts if they meet the standards established by the United States Department of Housing and Urban Development, as adopted by Council and specified in this Code, unless they were existing uses legally permitted at the time of adoption of this Code.
9. Trailers or recreational vehicles shall not be used as a permanent dwelling on any residential or commercial lot, and shall not be connected to a sewer system other than in an approved trailer park, except as otherwise provided in this Code. Trailers, including travel trailers, and recreational vehicles shall be parked only in the residential yard and not on any street. Trailers or recreational vehicles shall not be used for storage purposes or as an accessory building.
10. A travel trailer, or manufactured home may be used on construction sites for temporary residence and/or storage of materials; provided that such use is only for the duration of the construction at the site, not to exceed one year, and there are active permits for the construction.

C. Residential District Uses

1. The uses for residential zoning districts are specified in the "Table of Residential District Uses," in Section 15-12-001, and are permitted in the zoning district designated where a "P" (permitted) appears in the corresponding column; uses designated with a "C" (conditional use) shall be permitted only with the approval of a Conditional Use Permit in accordance with procedures set forth in 15-09-004; and where an "N" (not permitted) is designated, such use is prohibited.
2. Yard Sales shall be permitted as temporary and accessory to residential uses during daylight hours only, and shall not be held at a frequency of more than three consecutive days or for more than two consecutive weeks; and shall not be held more than eight times in one year. Yard sales may not include the sale of new or retail items, but be limited to the sale of personal items associated with residents in the dwelling unit(s) on the property on which the yard sale is located; and shall not create a nuisance. A use permit shall not be required for yard sales.
3. No commercial vehicles exceeding one-ton rated capacity may be parked, stored or maintained in any residential district, except for service or repair visits.
4. Group Homes in residential districts shall not be located closer than 1,200 linear feet from any other group home as defined in 15-11-002 of this Code.
5. Bed and Breakfast establishments are permitted in single family residential districts provided that such establishments are owner-occupied, have no more than four (4) units, and meet all applicable home-occupied business regulations.

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.

E. Guest Houses, Guest Quarters, and Accessory Dwelling Units

1. Guest Houses [no kitchen, no rent] shall be subject to the following regulations: (1) Guest Houses shall be architecturally compatible with the primary dwelling unit; (2) travel trailers and recreational vehicles may not be used as Guest Houses; and (3) all applicable district standards must be followed.

2. Guest Quarters [kitchen, no rent] shall be subject to the following regulations: (1) all requirements for a Guest House must be followed; and (2) the Community Development Director, or designee, shall approve the Guest Quarters. In approving the Guest Quarters, the Community Development Director, or designee, may require any condition that may be required under a Conditional Use Permit.

3. Accessory Dwelling Units (ADU's) [kitchen, rent].
   a. Purpose. The purposes of this section are to:
      (1) allow for and regulate the establishment of Accessory Dwelling Units;
      (2) preserve the character and property values of residential neighborhoods;
      (3) fully utilize residential housing supply in existing neighborhoods;
      (4) provide additional options for long term rental housing within a wide range of affordability;
      (5) increase opportunities for home ownership; and
      (6) allow older homeowners to remain in their homes and obtain extra income, companionship, and security.
   b. Standards and Criteria. All ADU's shall be subject to the following regulations:
      (1) Only one ADU is allowed per residential lot as an accessory use in conjunction with any primary dwelling unit.
      (2) Either the ADU or the primary dwelling unit shall be exclusively occupied by the owner of the property. In no case may both units be rented.
      (3) ADU's shall have at least 300 square feet of living space. Detached ADU's shall not be more than 800 square feet of living space or more than 33% of the size of the primary dwelling unit, whichever is greater. ADUs within a primary dwelling unit shall not be more than 33% of the total square footage of the unit. The Community Development Director, or designee, may grant an exception to the size limitations in this subsection if a greater or lesser amount of living space is warranted by the circumstances of the ADU.
      (4) ADU's shall be designed to preserve or complement the architectural design, style, and appearance of the primary dwelling unit.
      (5) Travel trailers and recreation vehicles may not be used as an ADU.

(6) ADU's shall comply with all applicable codes including zoning, building, electrical, fire, mechanical, and plumbing.

(7) Sufficient onsite parking shall be provided for the primary dwelling unit and the ADU.

(8) Any new parking space(s) shall utilize the existing driveway. The Town Engineer, with the concurrence of the Community Development Director may allow exceptions to this requirement on a case-by-case basis.

(9) Occupancy shall be limited to two (2) persons for ADUs of less than 400 square feet, three (3) persons for ADUs of 400 to 600 square feet, and four (4) persons for ADUs over 600 square feet.

(10) Home-Based Businesses, in compliance with the other provisions of this Code, shall be allowed in both the primary dwelling unit and the ADU.

c. Application, Affidavit, and Permits. Prior to renting an ADU, the owner of the property shall:

(1) Submit a completed ADU application including any fees and an affidavit of owner occupancy;

(2) Obtain a building permit for all applicable remodeling and/or construction; and

(3) Receive a certificate of occupancy for the primary dwelling unit and the ADU.

d. Existing Units. ADUs existing prior to enactment of these general requirements shall be allowed if the property is brought into compliance the provisions of this Section

Table of Residential Lot Development Standards

Revised: 8-1-07

District (1)	Minimum Lot Size			Min. Lot Area per Dwelling Unit	Max Lot Cover	Minimum Yard Setbacks				Minimum Space Between Buildings	Public Water Sewer Required (5)
	Area sq. ft.	Width (2)	Depth (3)			Front	Rear (4)	Side	Strt Side		
R1-6	6,000	60'	90'	6,000	50%	20'	20'	5' (7)	10'	10'	YES
R1-8	8,000	70'	100'	8,000	40%	20'	20'	6' (7)	15'	10'	YES
R1-10	10,000	80'	110'	10,000	40%	20'	20'	7'	15'	10'	YES
R1-12	12,000	90'	120'	12,000	30%	25'	25'	8'	15'	10'	YES
R1-18	18,000	100'	140'	18,000	30%	30'	30'	10'	15'	10'	YES
R1-35	35,000	140'	180'	35,000	20%	35'	35'	20'	20'	10'	YES
R1-44	44,000	150'	190'	44,000	20%	40'	40'	20'	20'	10'	YES
R1-70	70,000	160'	240'	70,000	20%	50'	50'	25'	25'	10'	YES
R1-90	90,000	180'	270'	90,000	10%	55'	55'	25'	25'	10'	NO
R1-175	175,000	300'	300'	175,000	10%	60'	60'	30'	30'	10'	NO
R2	6,000	60'	90'	3,630	50%	20'	10' (4)	5' (7)	15'	6'	YES
R3	6,000 (8)	60'	90'	2,420	50%	20'	10' (4)	5' (7)	15'	6'	YES

1. Building Height: See Section 15-02-003(A)(1)(b).
2. For cul-de-sac and flag lots, see sections 15-02-003(A)(2)(d) and (f).
3. Flag lots shall have a maximum depth, from the street frontage to the area where the lot widens, of not more than 150'.
4. Where the rear property line is common with a single family residential district, the minimum rear yard setback shall be 18'.
5. Public sewer facilities shall be utilized: a) when the property is located within the Northern Gila County Sanitary District's boundaries and there is an adequate public sewer within 1000 feet of the nearest property line as measured along the usual or most feasible route of access. b) when property is not within the N.G.C.S. District's boundaries, but there is an adequate public sewer within 500 feet of the nearest property line, as measured along the usual or most feasible route of access, and the total cost of connecting to the sewer is less than two times the cost of installing an on-site disposal system. If facilities are unavailable within the parameters described in a) and b), then other suitable facilities are required to be approved by the Gila County Health Department. However, no new properties (less than 2 acres in size) shall be created by minor land divisions that would require septic or other alternate sanitary systems to be utilized.
6. Water facilities, if not Public, are required to be approved by the Arizona Department of Environmental Quality.
7. Attached housing (zero lot line development) is allowed on contiguous lots within the same street frontage, provided both units are developed at the same time as a common project. All non-street setbacks which are opposite the common property line shall be increased by 2 feet over the minimum side yard setback for that district.
8. Through the platting process, townhouse lots in R3 districts may be reduced to 3000 s.f. minimum width 30', minimum depth 80'.

Exceptions to Residential Lot Development Standards

Subdivision Lots with EXCEPTIONS To Development Standards	Basis for Exception	Minimum Yard Setbacks			
		Front	Rear	Interior Side	Street Side
Chalet Village	Plat GCR # 518	See Subdivision Plat for Building Envelopes			
Chaparral Pines Phase 1	Plat GCR # 668	See Subdivision Plat for Building Envelopes			
Chaparral Pines Phase 2	Plat GCR # 691	See Subdivision Plat for Building Envelopes			
Chaparral Pines Phase 3	Plat GCR # 748	See Subdivision Plat for Building Envelopes			
E & J Mountain Estates	Var. V-151-03	See Subdivision Plat for Revised Yard Setbacks			
Elk Ridge Amended	Plat GCR # 675	See Bldg Envel for Lots 8-10, 15-19, 24-27 & 34-38			
Elk Run	Plat GCR # 682	5'	5'	5',15' to other DU	5'
Foothills East	Plat GCR # 722	See Subd Plat & ROS Log for Building Envelopes			
Golden Frontier Units 1 & 2	Plat GCR # 569	See Subdivision Plat for Building Envelopes			
Highlands at the Rim	Plat GCR # 737	See Subdivision Plat for Building Envelopes			
Paradise Heights & Phase 2	Plat GCR # 744	See Subd Plat for Bldg Envel, 30' max height			
Payson North Unit 1	Ordinance # 41	20'	7'	7'	15'
Payson North Unit 2	Ordinance # 41	20'	7'	7'	14'
Payson North Units 3 & 4	Ordinance # 41	15'	3'	5'	15'
Payson North Units 4A & 5	Ordinance # 41	15'	3'	5'	15'
Payson Pines	Plat GCR # 703	20'	20'	5'	15'
Payson Pines Unit 2	Plat GCR # 735	See Bldg Envel for Lots 130-132, 142-144 & 147			
Pine Island	Plat GCR # 669	0'	5'	5'	5'
Pinegate	Plat GCR # 704	See Subdivision Plat for Building Envelopes			
Rim Golf Club Phase 1	Plat GCR # 713	See Subdivision Plat for Building Envelopes			
Rim Golf Club Phase 2	Plat GCR # 733	See Subdivision Plat for Building Envelopes			
Rim Club Cabins Phase 1	Plat GCR # 750	See Subdivision Plat for Building Envelopes			
Rim Ranch	Plat GCR # 720	See Subdivision Plat for Building Setbacks			
Siena Creek	Plat GCR # 741	See Subdivision Plat for Building Envelopes			
Stone Creek	Plat GCR # 716	See Subd Plat for multiple Drainage Easements			
Trailwood Units 1,2 & 3	Var. V-107-93	15'	15'	5'Min with 15'Aggr	10'
Western Manor	Plat GCR # 517	20'	25'	7'	10'
Whisper Ridge	Plat GCR # 743	See Subdivision Plat for Building Envelopes			
Wildflower Ridge	Plat GCR # 754	See Subdivision Plat for Building Setbacks			

Woodhill Unit 1	Plat GCR # 677	See Bldg Envl for Lots 3-5, 7, 8, 11-15, 42-45 & 48-52			
Woodhill Unit 2	Plat GCR # 710	See Subdivision Plat for 30' maximum Bldg Height			
Woodland Meadows Ph 1,2,3 & 4	PRA Devlm't Std	15'	15'	5'Min with 15'Aggr	10'
Woods of Payson	Plat GCR # 694	See Subdivision Plat for Building Envelopes			
R1-90 District around Briarwood Rd.	Var. V-122-96	Use District Standards Closest to Lot Area			

15-02-005 Commercial Districts

A. Purpose and Intent

1. C-1 Commercial One/Neighborhood Service District -
   To accommodate a wide variety of neighborhood retail and service businesses, offices and other limited commercial uses with predominance on pedestrian access and convenience to residential neighborhoods.
2. C-2 Commercial Two/General Commercial District -
   To accommodate the widest range of general commercial business activities on a scale more intensive than that permitted in the C-1 district, and with emphasis on shopping and business centers with indoor activities.
3. C-3 Commercial Three/Highway Commercial District -
   To accommodate the commercial and business activities that, by their nature, rely upon intense vehicular traffic and are, therefore, most properly located along the state highways with emphasis on providing services for both visitors and residents of Payson.

B. Commercial Districts Stipulations and Provisions

1. All outdoor lighting shall be hooded or shielded so as to deflect light away from any residential district. The source of illumination for signs shall not be visible. All outdoor lighting shall be of a minimum necessary to serve the purpose intended.
2. All permitted uses, except for residential uses, including incidental storage of materials or supplies, displays (other than signs permitted in the district), and listings shall be restricted to buildings closed on all sides, except where otherwise permitted in this Code, and manufactured homes shall not be used for residential or commercial purposes.
3. In the C-3 District open land uses, storage of materials and equipment, may be permitted if located beyond the front 50' of the lot or parcel and screened by a continuously opaque, solid masonry wall 6 feet in height, so as to render such storage or use not visible from any adjacent properties or street; and no part of any materials or equipment may be stacked or positioned to be higher than the screening wall.
4. When any non-residential use or structure is commenced, a solid, continuously opaque, masonry wall of 6 feet in height shall be constructed along side and rear property lines adjacent to any residential zoned district, and all requirements for screening and landscaping, as specified in Section 15-03, shall be installed.
5. Parking and signage shall comply with the provisions of this Code.
6. All residential uses shall be constructed in accordance with the requirements applicable to residential uses in the R3 as specified in Section 15-02-004.
7. Prior to development of any multi-family or non-residential project, a development master plan shall be submitted to the Community Development Department for review; and the development plans shall be prepared in compliance with Section 15-02-007.B.2. b (Planned Area Development District).

C. Commercial District Uses

The uses as specified in the "Table of Commercial District Uses" in Section 15-12-002, are permitted in the district designated where a "P" (permitted) appears in the corresponding column; uses designated with a "C" (conditional) shall be permitted only with the approval of a Conditional Use Permit in accordance with the procedures set forth in Section 15-09-004; where an "N" (not permitted) is designated, such use is prohibited.

D. Lot Development Standards

1. 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.
2. Commercial developments shall retain a minimum of 20% natural or landscaped open space on the developed lot.

Table of Commercial Lot Development Standards

District (1)	Minimum Lot Size		Max Lot Covr	Minimum Yard Setback				Min Space Between Buildings	Public Water Sewer Required (5)
	Area sq. ft. (2)	Lot Area Per DU (2)		Front	Rear (3,4)	Interior Side (3,4)	Street Side		
C-1	6,000	2,420'	50%	20'	15'	10'	15'	10'	YES
C-2	6,000	2,420'	50%	20'	15'	10'	15'	10'	YES
C-3	6,000	2,420'	50%	20'	15'	10'	15'	10'	YES

1. Building Height: See Section 15-02-003(A)(1)(b).

2. Minimum lot area and area for dwelling unit is required for residential uses only; for non-residential uses, no minimum area is required.

3. Commercial businesses with rear or side loading/service areas shall maintain a minimum rear and/or side setback of 30', when adjacent to residential districts.

4. Rear and side yard setbacks will apply only when the commercial property has a common property boundary with a residentially zoned lot or the adjoining property has residential uses established; otherwise, if adjoining another Commercial or Industrial property, no rear or side yard setbacks are required.

5. Public sewer facilities shall be utilized. Water facilities, if not Public, are required to be approved by the Arizona Department of Environmental Quality

15-02-006 Industrial Districts

A. Purpose and Intent

1. M-1 Industrial One/Light Industry District - to provide for limited manufacturing, processing, warehousing and light industrial uses, with predominance on indoor industrial activities conducted in a manner not to cause inconvenience or disturb neighboring properties.
2. M-2 Industrial Two/General Industry District - to provide for a wide range of industrial and manufacturing uses including intensive activities and outdoor storage while maintaining appropriate measures for safety and welfare.

B. Industrial District Stipulations and Provisions

1. All outdoor lighting shall be hooded or shielded so as to deflect light away from any residential district. The source of illumination for signs shall not be visible. All outdoor lighting shall be of a minimum necessary to serve the purpose intended. See Section 15-03
2. Screening and landscaping shall comply with Section 15-03.
3. All parking and signage shall comply with Section 15-04 and 15-06.
4. In the M-1 and M-2 Districts, open land uses, and storage of materials and equipment, may be permitted if located beyond the front 50 feet of the lot or parcel and screened by a continuously opaque, solid masonry wall 6 feet in height, so that this storage or use is not visible from any adjacent properties or street; and no part of any materials or equipment shall be stacked or positioned higher than the screening wall.

C. Industrial District Uses

The following uses as specified in the "Table of Industrial Districts", in Section 15-12-003, are permitted in the zoning district designated where a "P" (permitted) appears in the corresponding column; uses designated with a "C" (conditional use) shall be permitted only with the approval of a Conditional Use Permit in accordance with the procedures for Conditional Use Permits set forth in Section 15-09-004; where a "N" (not permitted) is designated, such use is prohibited.

D. Lot Development Standards

The chart entitled "Table of Industrial Lot Development Standards", which follows, establishes the minimum requirements for yard setbacks and required connection to public water and sewer systems.

Table of Industrial Lot Development Standards

District (1)	Minimum Yard Setback				Public Water, Sewer Required
	Front	Rear (2)	Interior Side (2)	Street Side	
M-1	20'	30'	30'	15’	YES
M-2	20'	30'	30'	15’	YES

1. Building Height: See Section 15-02-003(A)(1)(b).

2. Rear and side yard setbacks will apply only when the industrial property has a common property boundary with a residentially zoned lot or the adjoining property has residential uses established; otherwise, if adjoining another Commercial or Industrial property, no rear or side yard setbacks are required.

15-02-007 PLANNED AREA DEVELOPMENT DISTRICT ("PAD")

A. Purpose

The Planned Area Development (PAD) zoning district is intended to provide an alternative to the conventional zoning and development processes in the Town of Payson (Town) in order to achieve the following purposes:

1. To ensure orderly planning and review procedures that will result in superior design, with variety in architectural and site design using techniques including, but not limited to, variations in building styles, setbacks, lot arrangements, and site planning;
2. To promote economical, innovative, and efficient land use, with emphasis on utilizing existing infrastructure, improving amenities, with appropriate and harmonious variety, creative design, and sensitivity to the surrounding land uses and the natural environment;
3. To provide for a zoning district that encompasses a broad range of land uses including, but not limited to single-family and multi-family residential, professional and administrative offices, retail, service, hotel and resort, light industrial or employment, recreational, and any public or semi public use or combination of uses through the adoption of a PAD Plan which sets forth land-use relationships, development standards, and goals consistent with the Payson General Plan;
4. To encourage a more creative approach to land utilization by creating efficient, aesthetic, and desirable developments, which may be characterized by incorporating special features of the geography, topography, size, uses, or shape of a particular property into its site planning;
5. To permit flexibility in design standards so that a PAD produces a choice in the type of environment, living units, commercial installations, and other facilities available to the public while maximizing efficient, aesthetic, and desirable use of open space;
6. To promote a unique yet compatible development that is in harmony with the surrounding land uses and the goals of the Payson General Plan; and
7. To provide a device for averaging residential density over an entire parcel and placing less restrictions on lot size or dwelling types, as long as the total density does not exceed the maximum approved in the PAD Plan.

B. Application and Procedures

1. Pre-application: The developer is required to meet with appropriate Town staff in a pre-application meeting prior to making application for a PAD to discuss the development concept, the review and approval process, and the submittal requirements. The applicant is also required to present the concept to the Development Services Committee prior to formal application.
2. Application
   a. The developer shall complete the necessary application forms from the Community Development Department and submit the required filing fee, along with fifteen (15) copies of the PAD Plan and narrative report.
   b. The PAD application and PAD Plan shall include the following as well as a narrative report:
      (1) Proposed name of development;
      (2) Name, address, and telephone number of property owner and applicant;

(3) Legal description of the PAD area;
(4) Context exhibit showing adjacent land uses and special site conditions;
(5) A conceptual development plan for the PAD area; and
(6) Description of the proposed land use areas and the development standards for each use and/or parcel within the PAD including:
   a) Proposed dwelling unit type, total land area, and maximum density of residential use areas;
   b) Proposed uses other than residential, total land area, and maximum square footages/floor area ratios associated with commercial/ industrial uses;
   c) A preliminary parcel data table;
   d) Proposed public streetscape and open space improvements and their relationships to the overall development;
   e) Building heights, minimum lot areas, setbacks, and all other development standards;
   f) A conceptual description of architectural theme, colors, and exterior building materials proposed for use in the PAD;
   g) A conceptual description of the landscaping treatment, plant materials, fences, walls, and other open space improvements;
   h) Proposed location of arterial, collector, or local streets, whether public or private, within a preliminary master circulation plan;
   i) Proposed location and use of all lands proposed to be dedicated for public purposes including parks, stormwater retention areas, and school sites; and
   j) Preliminary master water, sewer, and drainage reports.

c. The narrative report shall include the following:
(1) A description of the objectives to be achieved by the development concept, including, but not limited to:
   a) The manner in which the proposed PAD Plan meets or exceeds the intent of the PAD District;
   b) The proposed overall design rationale, as well as architectural and site design concepts, including style, colors, type of materials, and rationale for placement of structures to maximize views and take advantage of the natural characteristics of the PAD site;
   c) Specific concepts by which the proposed PAD Plan will make an orderly transition from existing or planned adjacent development including varied setbacks and façade treatment, open space elements, screening of parking areas, and landscaping of the public or private open spaces and recreational facilities; and
   d) A discussion of visual, traffic, and drainage impacts and compatibility with surrounding land uses and consistency with the General Plan.
(2) A statement describing the terms and conditions under which the PAD would be developed and maintained subsequent to development. Such statement shall include any conditions, performance standards, and other reasonable restrictions as may be necessary to insure the development and maintenance of the property in accordance with the approved PAD Plan.

(3) Design criteria for the PAD including all development standards.

(4) Phasing Plan.

3. Review Process
   a. Staff will circulate the PAD Plan and narrative report to the Town departments and any other agency that may be affected by or have comments to the application.
   b. Staff will schedule a Development Services Meeting in which the PAD Plan and narrative report shall be evaluated and discussed. Representatives from each Town department and/or reviewing agency shall be invited to participate in the meeting, including the developer and their representatives.
   c. At the Development Services Meeting, the developer shall receive input as to staff recommendations, compliance with the intent of the PAD Ordinance, and/or apparent constraints prior to the finalization of submittal materials required as part of the PAD Review.
   d. Within twenty-one (21) days following the Development Services Meeting, the developer shall be apprised if Staff will require additional studies, or broadened scope of studies, beyond those enumerated in the PAD Plan application requirements, such as a Multi-modal Circulation Plan, Drainage Concept Plan, Soils Report, Traffic Impact Analysis, or any other studies that the Town staff determines is reasonably necessary for the review and approval of the proposed PAD.
   e. Upon receipt of the comments, the Community Development Department shall compile the comments and respond to the developer or agents in writing in a reasonable time period as to how the proposed PAD relates to the following:
      (1) Conformance to the General Plan;
      (2) Suitability of the PAD for development and constraints or stipulations; and
      (3) Preliminary list of improvements and major dedications required by the Town.
   f. The developer shall conduct a neighborhood meeting for citizen review and participation in accordance with the provisions of Section 15-09 of this code prior to the public hearing before the Planning and Zoning Commission.

C. General Requirements and Standards

1. The land uses and design of the proposed PAD shall be consistent with the General Plan.
2. 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.
3. The approved PAD and PAD Plan, not the prior underlying zoning district, shall determine uses within the PAD. Each PAD shall be limited by the approved PAD Plan to a maximum number of dwelling units and/or gross commercial/industrial square footage or floor area ratio.
4. Residential development in a PAD may provide for a variety of housing types and permitted uses. Parcel densities within the PAD may be flexible as long as the maximum number of dwelling units for the entire PAD established by the PAD Plan is not exceeded.
5. Commercial development in a PAD may provide for a variety of commercial and/or industrial/employment uses. The total square footage or floor area ratio for commercial/industrial uses may be flexible from parcel to parcel within the maximum

allowable number of square feet or floor area ratio of commercial/industrial usage for the entire PAD as established by the PAD Plan.

6. Other sections of the Unified Development Code shall apply for any general development standards not specifically a part of the PAD approval.

D. Permitted Uses

1. All uses designated on the approved PAD Plan together with permitted accessory uses.
2. Uses Subject to a Conditional Use Permit designated on the approved PAD Plan.

E. Property Development Standards

The following development standards shall apply to all development and construction permitted within a PAD.

1. There is no minimum size for a proposed PAD site. The size of a PAD will be reviewed in the context of the property's location and surrounding uses.
2. Minimum building setbacks from all boundary property lines which form the perimeter of the PAD shall be equal to the abutting Town zoning district, or when abutting a County zoning district as established by the approved PAD Plan.
3. Land uses on the perimeter of the PAD shall be designed and developed to be compatible with and complementary to the existing and planned development reflected on the General Plan in the immediate vicinity of the proposed PAD.
4. Minimum size requirements for individual lots or dwelling units shall be as approved in the PAD Plan.
5. Required open space:
   a. Open space shall not be less than 20 percent of the gross acreage of the parcels within the PAD proposed for residential development excluding public and private road rights-of-way. Open space shall not be less than 10 percent of the gross acreage and 10 percent of the area designated for parking of the parcels within the PAD proposed for commercial or industrial development excluding public and private road rights-of-way. Open space requirements may be reduced if off-setting community open space benefits are demonstrated and approved in the PAD Plan. Specific parcel allocations of open space may be required as part of the 20 percent and 10 percent overall requirements.
   b. Open space shall be conceptually depicted on the PAD Plan as:
      (1) Dedicated municipal use, public park, and school sites;
      (2) Bike paths, equestrian, and/ or hiking trails;
      (3) Public or private park and recreation areas;
      (4) Floodway or floodplain areas;
      (5) Retention basins required to comply with the Town drainage requirements shall be counted as open space when improved or landscaped to be a cohesive and integral element of the overall landscape plan;
      (6) Development site enhancements, including landscaped areas, plazas, and courtyards.
   c. Required open space shall not include any of the following:
      (1) Dedicated streets, alleys and other public rights-of-way, except that all landscaping within rights-of-way shall be included;
      (2) Vehicular driveways, parking, loading, and storage areas;

(3) Reservation of municipal use, public park, or school sites which the governmental entity shall be required to purchase; only if such sites are dedicated shall they constitute open space as defined above;
(4) Concrete or rock lined areas designed primarily as a drainage channel; and
(5) Private yards within residential areas of a PAD.

6. Building heights, setbacks, and separations shall be reviewed and approved based upon compatibility with adjacent land uses, the placement of buildings within the parcel, and conformance with current building codes and fire safety requirements.
7. A PAD which includes only one housing type, such as all detached or all attached units, or one type of commercial use, shall not be considered inconsistent with the stated purposes and objectives of this section and shall not be the sole basis for denial or approval of the PAD.
8. Parking, landscaping, lighting, and signage standards shall meet the requirements of the applicable sections of this code unless otherwise approved as part of the MDP design criteria.
9. Circulation, General
   a. The arrangement, character, extent, grade, width, and location of all roadways, streets, bike paths, or trails shall conform to applicable Town standards, unless adjusted for specific topographical or developmental conditions in accordance with a traffic engineering study approved as part of the PAD Plan.
   b. Where such is not shown on the General Plan, adopted transportation plan, specific area plan or preliminary plans, the arrangement of streets, bike paths, and trails shall provide continuation or appropriate projection of existing streets, bike paths and trails in surrounding areas. Streets, bike paths, and trails shall be designed to make the best use of the land features and open space requirements of this Section, in addition to meeting public safety issues.
   c. Each parcel design shall provide for adequate traffic circulation that incorporates the adopted Town street functional classification system to handle the projected traffic volumes on the streets.
   d. The minimum width of right-of-way, measured from lot line to lot line, shall be as established in the PAD Plan. Proposed streets shall extend or project existing streets at their same or greater width, but not at a width less than prescribed by established standards, unless it can be demonstrated that a narrower street will serve the function of efficient site planning and convenience for the residents/occupants and still satisfy public safety issues.
10. The Design Review process is required for approved PAD Plans.
11. The PAD narrative report shall identify the ownership and maintenance responsibilities for common areas and landscaping within rights-of-way and shall provide for a homeowners association, a maintenance improvements district, or other mechanism to assure long-term maintenance of common areas and rights-of-way, if needed (as appropriate).

F. Phasing of Development

1. A PAD plan may be constructed in phases and the PAD narrative shall specify the phases of development, locations and timing of on-site and off-site improvements for each phase, as

well as, an estimated range of time for beginning and completion of each phase. Each phase must comply with all provisions of this Section or as otherwise approved in the phasing plan of the approved PAD Plan.

2. Requests for modifications to the phasing plan approved as part of the PAD Plan shall be subject to Community Development Director's approval with a right of appeal to the Town Council.
3. The applicant may enter into a development agreement with the Town providing for the timing, sizing, and funding of phased infrastructure improvements required for the PAD or may use any alternative mechanism acceptable to the Town.

G. Operating and Maintenance Requirements for Planned Area Development

1. In the event that certain land areas or structures are provided within the PAD for private recreational use or as service facilities, the owner of such land and buildings shall establish an arrangement to assure a continued standard of maintenance consistent with the conditions of PAD approval.
2. All utility lines, except electric utility lines 69KV or larger, shall be installed underground.
3. Development within a PAD shall conform to all conditions and standards of PAD approval. The PAD applies to the subject property and change in ownership or successors in interest does not constitute a change in agreed upon standards and requirements.

H. Planning and Zoning Commission Review and Hearing

1. The application shall be filed, reviewed, noticed, and processed in accordance with Section 15-09 of this code.
2. Upon receipt of a complete PAD application, Staff shall prepare a report and package for the Planning and Zoning Commission.
3. The Planning and Zoning Commission shall review the PAD Plan, Staff report, related maps, reports, and data, as well as, conduct a public hearing, which may include the staff report and presentation, a presentation and question and answer session with the developer and/or their representatives, and public comment.
4. In considering applications for a PAD approval, the Commission may consider sound land use planning principles and the following:
   a. Conformance to the General Plan;
   b. The impact of the PAD on the existing and anticipated traffic and parking conditions;
   c. The adequacy of the PAD Plan and narrative report with respect to proposed land uses and development standards;
   d. Pedestrian and vehicular ingress and egress, including handicapped accessibility;
   e. Design criteria;
   f. Conceptual landscaping proposal;
   g. Provisions for utilities;
   h. Site drainage and grading;
   i. Open space and/or public land dedications; and
   j. Non-motorized circulation.
   k. Any other items the Commission deems necessary.
5. The Commission shall consider any information related to the PAD application considered relevant. This may include but is not limited to oral and/or written statements from the

developer and their representatives, the public, Town staff, and its own members. The Commission may question the developer and approve, disapprove, carry over the discussion, request additional information, and/or recommend stipulations of PAD approval.

6. If the Commission determines that the proposed PAD is in compliance with the health, safety, and welfare of the community, and is in harmony with the purposes and intent of the Unified Development Code, and the General Plan, the Commission may recommend to the Town Council by motion that the PAD be approved. The recommendation may include any conditions and stipulations determined to be reasonably necessary for implementation of the PAD.

I. Town Council Consideration and Hearing

1. The Town Council, following the report and recommendation of the Planning and Zoning Commission, shall consider the PAD request. The request shall be processed and considered as set forth in Section 15-09 of this code.
2. In its deliberations on the PAD, the Council shall consider oral and/or written statements from the developer, their representatives, Town staff, the public, and its own members. The Council's review shall encompass the same spectrum of considerations as did that of the Planning and Zoning Commission. The Town Council may approve, deny, carry over the request, or impose conditions and stipulations on the PAD approval. Approvals shall be for a specific development site, not a particular developer.

J. Building Permit Issuance

No building permit will be issued for any portion of a PAD that has not received Design Review approval as required and that has not provided required financial assurances or dedications for such portion of the PAD.

K. Method for Withdrawing an Application for PAD Approval

Any application for a PAD may be withdrawn by the applicant in writing at any time prior to approval by the Town Council.

L. Amendments to PAD Approval

1. A request for an amendment to an approved PAD shall be processed as either a minor amendment or major amendment.
2. An application for a PAD amendment will be routed for review by all affected Town departments or agencies and upon receipt of review comments, the Community Development Director will determine whether the requested change meets any one of the following criteria for a major amendment:
   a. Any increase in the total number of dwelling units;
   b. Any increase in the non-residential square footage;
   c. Any other change which could have a significant impact on areas adjoining the PAD, including a significant traffic impact on roadways adjacent or external to the PAD.
3. All major amendments to a PAD shall be reviewed and approved by the Planning and Zoning Commission and Town Council following the same procedure as prescribed for the original approval.

4. Any PAD Amendment application that does not meet any of the above criteria shall be processed as a minor amendment. A minor amendment shall be reviewed by all affected Town departments and agencies and may be administratively approved by the Community Development Director.

M. Denial of PAD Request

If an application for a PAD is denied, the Community Development Director shall have the authority to refuse to accept a new application for a PAD on the same site, or a portion of the site, within one-hundred eighty (180) days after the date of denial.

15-02-008 National Forest District (NF)

A. Purpose and Intent

The National Forest District is intended to prescribe permissible uses for the Tonto National Forest lands currently subject to the jurisdiction of the United States Forest Service (" USFS") that are located within the corporate boundaries of the Town.

B. National Forest District Stipulations and Provisions

1. Before the construction of any physical improvements, approval of the USFS shall be obtained.
2. In the event that any lands zoned National Forest (NF) are transferred into private ownership, only those developments, uses or physical improvements in existence at the time of transfer and approved by the USFS shall be allowed to continue until such time as the property is rezoned. Prior to any such rezoning, minor repairs and routine maintenance of existing structures are permitted, however:
   (a) An existing structure may not be enlarged or extended; and
   (b) No use may be enlarged or extended.

C. National Forest District Permitted Uses

All uses are subject to the provisions of the " Tonto National Forest Land Use and Resource Management Plan" and other applicable USFS policies, approvals and/or management provisions.

D. National Forest District Development Standards

Property development standards prescribed by the USFS shall apply to all lands and buildings.

15-02-009 Manufactured Home Overlay District (MH)

A. Intent and Purpose

This subsection is intended to provide for the orderly development of Manufactured Home lots and subdivisions consistent with Town standards for the health, safety and welfare of the community. This overlay district will provide for the development of manufactured home subdivisions in conjunction with other residential zones, or base zones.

B. MH Stipulations, Provisions, and Standards

1. The minimum land area to qualify for the MH overlay district shall be five acres.
2. The permitted uses shall be installed, operated and maintained in a manner commensurate with quiet family living, and all private, external lighting shall be installed and maintained in such a manner so as to mitigate any visual intrusion onto neighboring private or public properties.
3. The MH shall overlay a residential zone and shall follow the development standards of that district unless otherwise provided in this section.
4. All manufactured housing shall meet the minimum standards for manufactured housing established by the State of Arizona in Section R4-34-102 of the Arizona Administrative Code, and the U.S. Department of Housing and Urban Development, 24 CFR 3280, as amended.
5. Manufactured homes shall only be used for single family purposes, one dwelling unit per lot unless located within the MHP District.

15-02-010 Manufactured Home Park District (MHP)

A. Intent and Purpose

1. The purpose of this subsection is to provide for the orderly development of Manufactured Home Parks consistent with Town standards for the health, safety and welfare of the community. This district provides for development of manufactured home rental parks.
2. The intent of the MHP District is to provide a means for achieving affordable housing goals, while at the same time assuring appropriate quality of life standards for residents. Preservation of open space, accessibility to open space, and pedestrian traffic issues will be important aspects of the design process.

B. Development Standards

1. The following shall apply to all Manufactured Home Parks located within the MHP district:
   a. The minimum area developed as a Manufactured Home Park shall be five acres.
   b. The minimum space size for a manufactured home shall be 3,000 square feet; for a travel trailer or motor home, 1,000 square feet, and all buildable areas for manufactured units shall be clearly marked, as shown on development site plan.
   c. Travel trailers and motor homes shall constitute no more than 15 percent of total spaces; and these spaces shall be delineated on the approved development plan for each manufactured home park. These spaces should be located together and not spread throughout the park.
   d. No manufactured home used as a dwelling shall contain less than 400 square feet, be less than 40 feet in length, or less than ten feet in width.
   e. No buildable area shall be located closer than 15 feet from another buildable area.
   f. Each manufactured home space shall provide two paved off-street parking spaces in accordance with section 15-04. These spaces shall not encroach upon any pedestrian way nor be closer than five feet from any property line.
   g. There shall be a minimum distance of eight feet between the front of the buildable area and any private street, and a minimum distance of ten feet between the side of a buildable area and a private street. There shall be a minimum distance of 25 feet between any buildable area and a public right-of-way.
   h. There shall be a common parking area for guests and visitors with one paved parking facility for each ten rental spaces.
   i. Private streets within the Manufactured Home Park shall be paved to a minimum width of 24 feet (from back of curb to back of curb), and shall be constructed in accordance with the standards of the Town.
   j. All manufactured housing shall meet the minimum standards for manufactured housing established by the State of Arizona in Section R4-34-102 of the Arizona Administrative Code, and the U.S. Department of Housing and Urban Development, 24 CFR 3280, as amended, except as provided in Section 15-02003. B.1. (Nonconforming Uses) of this Code.
   k. No manufactured home unit shall have direct frontage on, or access to, a public street outside the Manufactured Home Park boundaries.
   l. Screening: all manufactured home parks shall provide screening in accordance with section 15-03-002 of this Code.

m. No more than one manufactured home or travel trailer shall be placed on any lot and no manufactured home or travel trailer shall be used for any use other than a single family residential dwelling.
n. A common area equal to 10% of the total rental space area shall be provided and approved for recreation, laundry, or other park related services.
o. When a permit has been issued, the manufactured home shall be securely anchored and set on a stem wall or on concrete piers, and skirted within 90 days after being placed on the lot.
p. All new development or expansion of manufactured home parks in the MHP district shall be connected to public water and sewer systems.

2. Approvals Required:
   a. Travel trailers may be placed in areas of the manufactured home park designated specifically for travel trailer use in the Site Plan approved by the Town.
   b. Procedures for approval of zoning shall be in accordance with section 15-09-007.
   c. Procedures for approval of conditional use permits shall be in accordance with 15-09-004 of this Code, except that the site plan shall show all manufactured home spaces within the Manufactured Home Rental Park.

15-02-011 SPD: Special Plan District

A. Purpose and Intent

The purpose of this the Special Plan District Overlay zone is to preserve and enhance significant historical, architectural, archaeological, cultural, aesthetic, and other such resources of the Town in the interest of the welfare of the people of Payson. This section is intended to provide a means to protect, and/or improve the historic, unique and aesthetic characteristics of the Town; foster civic pride in the accomplishments of the past, support economic development, and promote historic education.

B. Special Plan District Commissions

1. The Special Plan Committee (SPC) - The Town Planning Zoning Commission may act as the Special Plan Committee for any Special Plan District upon approval of the Council. If the Commission does not serve in this capacity, a Special Plan Committee shall be appointed by the Council and shall consist of seven members who are residents or property owners within the specified district boundaries. The members shall serve for terms of three years, except that the members or the first Committee shall serve as designated by the Council for the following terms; three members for one year, and three members for two years. Any vacancy shall be filled by the Council within a reasonable time after the vacancy occurs for the unexpired term. Members of the committee shall serve without compensation. Rules of order generally applied for official bodies of the Town shall apply to the SPCs.
2. Members of the SPC shall be those who have demonstrated special interest, knowledge or experience in the character and history of the district, and there shall be at least one member selected from the following professions; architecture, real estate, and history.
3. The SPC chairman, vice-chairman and secretary shall be elected by majority vote of the SPC. The Community Development Director shall provide staff support to the SPCs.
4. The SPCs shall serve at the Council's discretion to provide a forum to study and bring people together, and shall make recommendations on issues regarding the character of the district, including historic preservation.
5. The SPCs shall develop the district's special plan in conjunction with the Community Development Department, in concert with the Town of Payson Master Plan, and shall present it to the Council for adoption.
6. The SPCs shall provide building design review within the respective district, review plans and proposals for development within the assigned overlay district and make recommendations to Council regarding the approval of developments, and potential stipulations.
7. If a member of an SPC fails to attend three consecutive regular meeting of the SPC or fails to attend 50 percent or more of the regular meetings of the SPC during a calendar year, unless excused by the Chairman, that member's seat shall be considered vacant and the Council shall appoint a new member to serve the balance of the unexpired term.

C. Special Plan Development Overlay District Procedures

1. Requests for SPD Overlay Districts shall follow the same procedures as requests for a change of zoning district classification, outlined in Section 15-09-007, in addition to the requirements of this section, and shall be submitted by the Special Plan Committee.
2. All requests for SPD Overlay Districts shall be accompanied by a completed application and a specific development plan, drawn to scale of not less than 100' to the inch, containing the following information:
   a. Boundaries of the site, adjacent zoning, and land use intended for the site.
   b. Names and dimensions of all streets bounding or abutting the site and all streets proposed within the site.
   c. Proposed public dedications within the site.
3. No amendment to the Zoning Map shall be approved until the final development plan has been reviewed and recommended by the Planning and Zoning Commission, and approved by the Council in conjunction with the request for SPD Overlay zoning.

D. Development Standards

1. Special Plan overlay districts shall be limited to areas greater than 5 acres.
2. All land uses in an SPD shall conform to the development standards of the underlying zoning district specified in this Code, except as specified below:
3. Modifications from the underlying zone's development standards may be requested as part of the development Plan for the SPD.
4. Requests for modified development standards shall accompany the SPD development plan in written and graphic form to illustrate the conditions that the modified standards will produce, to enable the Council to make the determination as to whether the modifications will produce a quality environment that will meet or exceed the needs of the neighborhoods within the SPD more effectively than existing regulations.
5. If the SPD encompasses residential uses, the same minimum area per dwelling as specified in the Lot Development Standards table for residential district underlying the SPD, shall be used to calculate the maximum number of dwelling units permitted, unless otherwise determined by the Council following review of the SPD development plan.
6. Lot sizes, setbacks, and building envelopes within the SPD may be modified from those required in the Lot Development Standards tables in this Code in order to protect or enhance historic structures, preserve or improve the special character of the area, to cluster buildings for the preservation of significant native vegetation, or to create more effective use of common open space.
7. Reserved
8. No SPD shall be approved unless the Council determines that it is compatible with the surrounding area and is not detrimental to the natural environment, residents, workers, adjacent property, neighborhoods, or the public welfare in the vicinity.

E. Special Plan Implementation

1. The special plan district administrator shall be the Community Development Director or designee, and shall be authorized to issue certificates of suitability for approval of buildings or other developments according to criteria as approved by the Committee for the specific historic district. The historic district officer shall serve as staff to the SPC.
2. Special Plans shall be developed for each of the special planning districts established by the Council. Each plan shall be reviewed and adopted by the Council. The special plans will include the following at a minimum:
   a. Map of the special planning district showing the proposed land uses for the district and the circulation pattern.
   b. A development plan describing and illustrates design guidelines, special restrictions, incentives, and use stipulations that supplant the underlying zoning districts.
   c. A schedule for capital improvements and general development of the area.

F. Building and Design Review

1. When a building permit is sought from the Town to demolish, alter, remodel, move, build or other wise develop or landscape property in an SPC, issuance of the permit shall be deferred until after a certificate of effect is issued by either the Community Development Director or upon approval by the SPC.
2. Plans showing the scope of the proposed work shall be submitted at the time of application of a certificate of suitability and an approved plan shall be binding upon the applicant and their successors and assignees. No building permit shall be issued for a building or structure not in accordance with the plan, except that temporary facilities shall be permitted in conjunction with construction. No structure or other element specified on the plan shall be eliminated, altered, or provided in another manner, unless an amendment is approved in conjunction with the procedures for original approvals.
3. Nothing in this section shall be construed to prevent ordinary maintenance or repair, including painting, or any structure in the historic district, which does not alter the approved character of the structure.

15-02-012 OS: Open Space District

A. Purpose and Intent.

1. The purpose of this section is to preserve, conserve, and protect the native and man made open space and recreation areas throughout the Town.
2. It is intended that the OS district will provide open space for a variety of uses such as conservation of natural amenities, aesthetics, hiking, wildlife habitat, equestrian riding areas, utility corridors, and park and recreation facilities among other similar uses.

B. Open Space District Provisions

1. Any other residential, commercial, or industrial use would require a change in zoning.
2. Facilities, structures, and uses that are designed for park, recreation, and sport activities are permissible if in conformance with the provisions of this Code and approved by the Community Development Department.
3. Conditional Use Permits shall be required for commercial park, sports, and recreation facilities and activities.

15-02-013 Special Plan District - Green Valley Redevelopment Area

A. Purpose and Intent

1. Contained within the Green Valley Redevelopment Area is the original Payson Townsite location. While this area contains nonconforming lots, it also contains the oldest structures within the Town; that have a special historical significance for the Town of Payson.
2. The Green Valley Redevelopment Area has been identified as having several deterrents towards encouraging development within this area. These deterrents include:
   a. There are significant areas included within the 100 year flood plain.
   b. There are significantly higher levels of public safety calls to this area.
   c. There are a significant number of legal nonconforming lots, structure, and uses within this area.
   d. There are a significant number of deteriorated or dilapidated structures within this area.
   e. There are a significant number of adjoining noncompatible land uses within this area.
   f. There are a significant number of structures with a historical significance.
3. The issues listed above have created a situation where there is little private investment being made into this area of town. Public roadway infrastructure has also deteriorated into a very poor condition for most of the roadways within this area, and in several instances there are currently inadequate right-of-ways.
4. There are several purposes for applying this overlay zoning to the Green Valley Redevelopment Area:
   a. To preserve the historical significance of this area of Town,
   b. To ensure that development standards are compatible with the floodplain issues of this area,
   c. To ensure that development standards are appropriate to development and parking restraints within this area,
   d. To ensure that future development is sensitive to the historical significance of this area,
   e. To ensure that appropriate measures are taken to rehabilitate some of the deteriorated or dilapidated structures within this area,
   f. To ensure that development occurs in a manner which provides the highest level of public safety possible,
   g. To ensure that future development is sensitive to the needs of pedestrian traffic and open space needs,
   h. To ensure that current and future development provide a higher level of aesthetic value,
   i. To encourage more appropriate use of properties that are currently used for outside storage of vehicles and other equipment.
5. The primary principles incorporated into the design of this area will include a pedestrian friendly environment, preservation of our historical heritage and cultural values, adequate infrastructure to support both residents and users, and a place which encourages people to come and gather together to celebrate the Town of Payson as a great place to live and visit.
6. The following principles of "smart development" will be incorporated into the development of the Green Valley Redevelopment Area:
   a. Encourage a more efficient use of land and resources,
   b. Encourage full use of existing urban services,
   c. Encourage a mix of land use activities,

d. Encourage optional modes of transportation,
e. Encourage a human scale in the design of development projects.

7. The purpose of this section is to provide for the allowance of modifications to currently established development standards within the Unified Development Code. This section does not make current UDC standards totally inapplicable. When designing a project it is important that the UDC requirements be used as the main guide and then the following standards will address the necessary modifications to those standards. Where modifications are not provided for a specific development standard then the UDC will be the guide.

B. Method to Apply:

The Special Plan District Overlay regulations shall be applied to the Green Valley Redevelopment Area, as defined in Ordinance No. 566 and depicted on Exhibit #1 attached to this Code (next page). These regulations shall apply to applications for a building permit, rezoning request, conditional use permit, variance, demolition request, temporary use permits, subdivisions, and minor land divisions.

Exhibit #1

Special Plan District Overlay
Area of Application

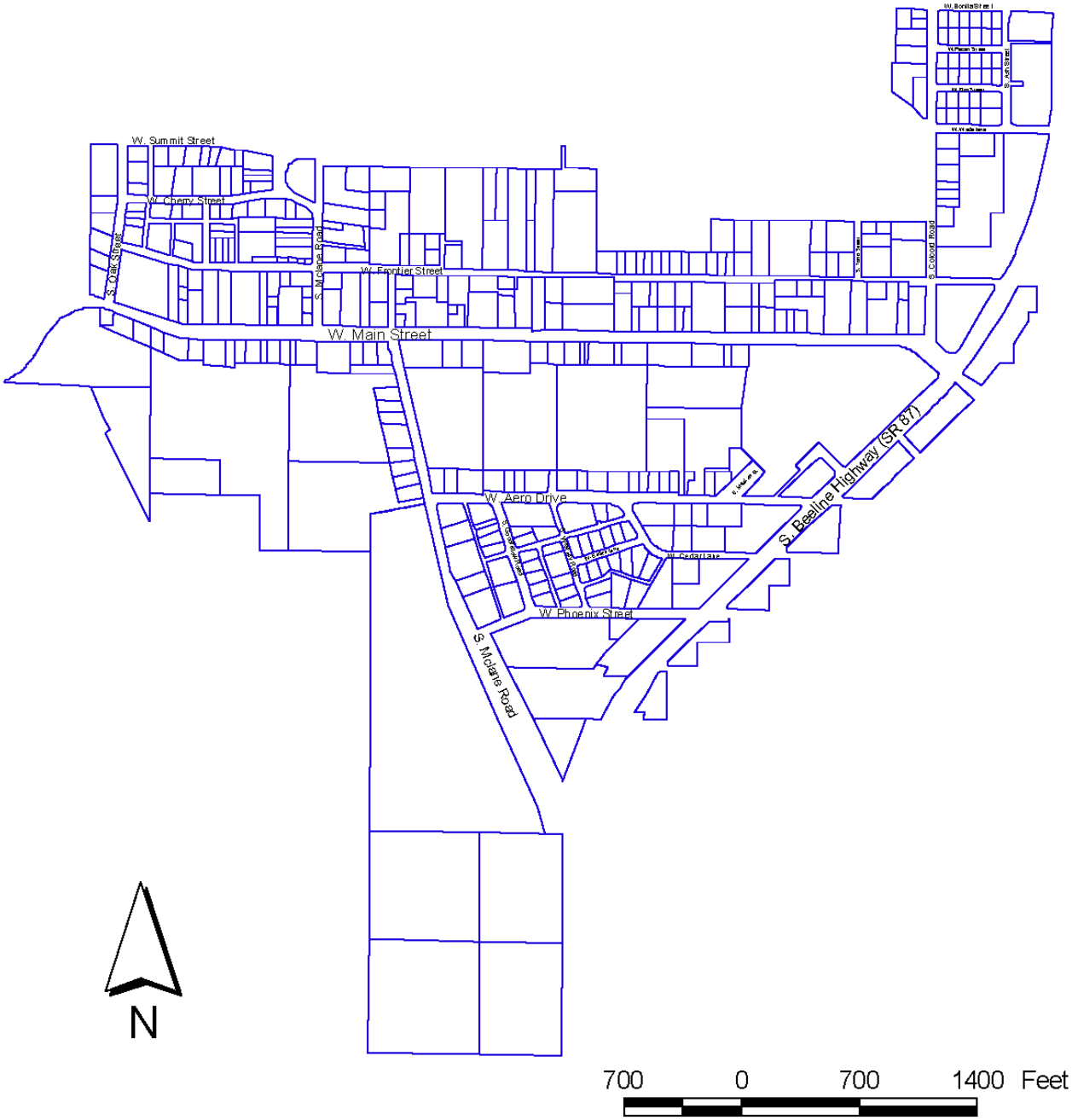
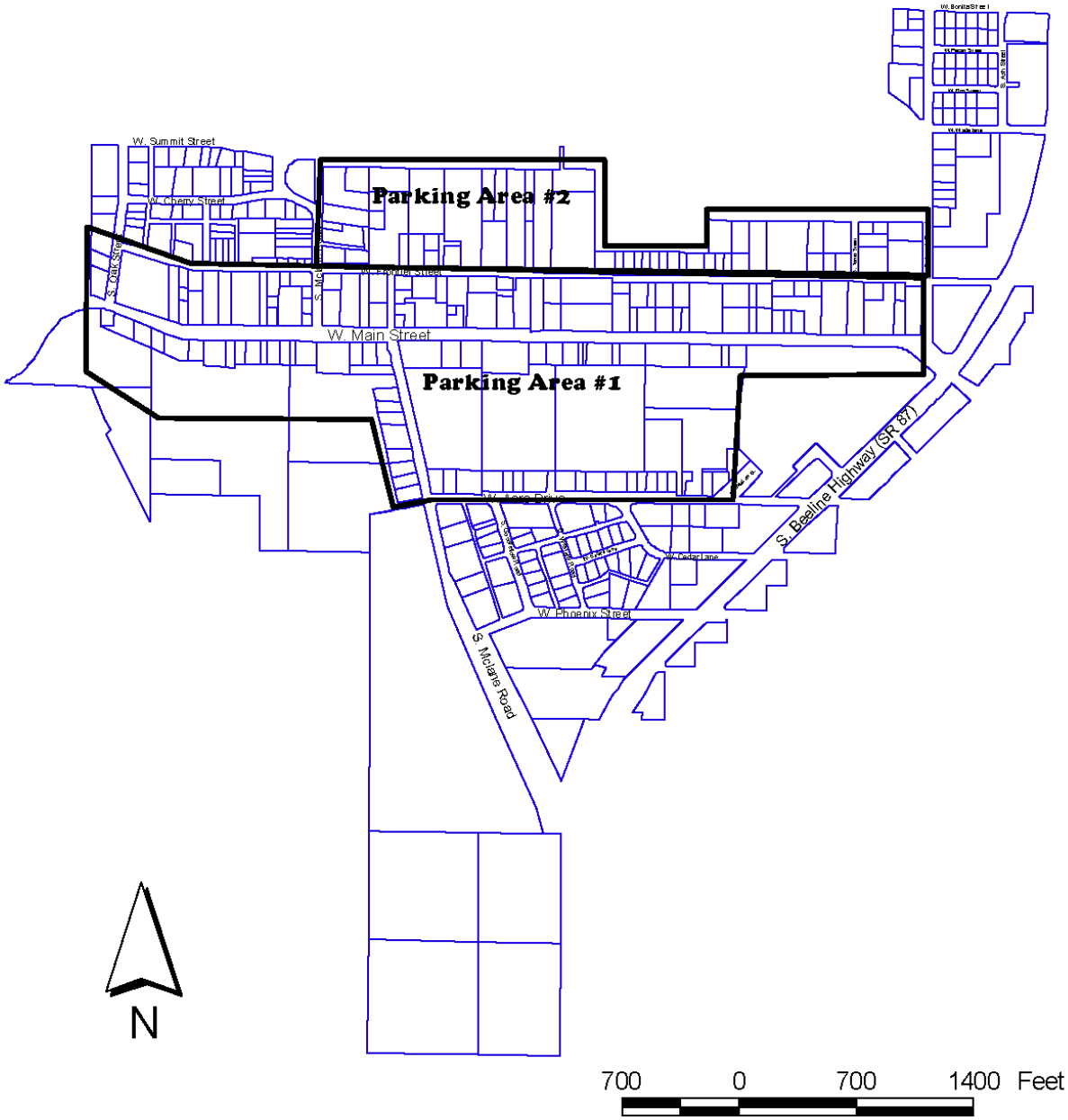


Exhibit #2

Parking Area Districts



C. Development Standards:

1. Parking Requirements

   Exhibit #2, attached to this code (previous page), identifies two areas which will require modifications to current parking regulations. Areas not specifically designated in Exhibit #2, and development for single family residential will not require the modifications addressed in this section.

   a. Area #1 is designated as Main Street type parking. Parking facilities will be placed to the rear of the property where feasible. A landscaped buffer will be required to separate parking facilities from public pedestrian facilities by at least 8 feet. Parking facilities should be screened from public pedestrian facilities with the use of berms or landscaping.

      1. The required number of parking spaces can be modified with the provision of historical data or study that demonstrates a different demand than stated in this code. This data or study must be acceptable to the Town Engineer.
      2. The minimum number of required spaces can be reduced when shared parking can be demonstrated.
      3. Access driveways shall be designed to allow shared use where feasible.
      4. Deviations from any standards for the provision of parking facilities may be granted by the Town Engineer with appropriate justification.

      Note: Business owners will have the option of developing parking facilities in a manner as stated it item #1 above, or pay a fee in lieu &parking at a rate which includes the actual cost for designing, constructing and land acquisition for the required parking space. Monies collected shall be set aside in a special account to be used for providing public parking.

   b. Area #2 shall be designated as off Main Street parking. This area shall design their parking facilities to the side and rear of the property. A landscaped buffer will be required to separate parking facilities from pedestrian facilities. This buffer will be at least ten (10) feet in width.

2. Building Density

   The maximum lot coverage shall be no more than 65% of the lot area for lots located on Main Street. Other areas and single family residential development shall be in accordance with the Unified Development Code.

3. Set Back Requirements

   a. Setback requirements as specified in the UDC for R3, C1, C2, and C3 shall not be applicable to Main Street within the Green Valley Redevelopment Area. Properties which are designated as an historic landmark or property, or within an historic district, shall utilize the current front setbacks established, and no new structure or alteration shall extend beyond the current front building line.

   b. Commercial properties which abut single family residential development shall follow normal setback requirements in the UDC for the side or rear yards which abut single family development.

4. Space Between Buildings

   Required space between structures shall be designed in accordance with the current Building Code requirements, and shall not be governed by zoning regulations within the Main Street area. This deviation from the standard shall be applicable to commercially developed lots on Main Street and Frontier Street.

5. Outside Land Uses

   This standard is applicable to the Historic District or properties, Main Street, and Frontier Street. This section does not include outside storage of equipment or supplies. Outdoor sales and displays are prohibited, except where one (1) or more of the following conditions are present:

   a. Products and services displayed outdoors are customary, accessory, and incidental to those sold and displayed in a primary business being conducted in a permanent building on the property.
   b. Outdoor sales and displays do not interfere with pedestrian access-ways, fire lanes, required parking spaces, driveways, landscape areas, or traffic visibility at driveway entries and street intersections.
   c. Special events with a temporary use permit shall be permitted.

6. Outdoor Sidewalk Cafes

   In order to enhance the Main Street environment and complement retail and cultural activities recommended in the Green Valley Redevelopment Area Plan, it is the policy of the Town to encourage the establishment of outdoor sidewalk cafes on private property and within public rights-of-way. Minimum standards are established to ensure cafe design is functionally compatible with other needs and provides for the protection of public health, safety and welfare.

   Outdoor sidewalk cafes are permitted on any public rights-of-way within the Main Street area, subject to administrative review and compliance with the following standards:

   a. Outdoor sidewalk cafes must not obstruct sidewalk pedestrian traffic or create public health and safety hazards. All sidewalks must maintain a four (4) foot minimum clear dimension between the outside edge of any sidewalk and any fixed element within sidewalk right-of- way.
   b. Outdoor sidewalk cafes may be open, partially covered, or enclosed by means of umbrellas, awnings, canopies, or similar nonpermanent and removable protective structure.
   c. A decorative barrier element separating outdoor cafe seating area from adjacent pedestrian traffic shall be provided. The design and materials of such barrier element must complement and be compatible with the architectural design of the restaurant building facade.
   d. Enclosed outdoor cafes must be used only as seating areas. Storage, kitchen, or rest room uses are not allowed. The seating must be movable.
   e. Decorative/accent lighting may be incorporated into the outdoor cafe structure, awning, canopy, etc. and must meet all Town Code requirements.
   f. Reserved

7. Open Space Requirements

Natural or landscaped open space areas shall be designed and placed in a manner which encourages pedestrian use and comfort. Current minimum standards for open space shall not be applied to the Green Valley Redevelopment Area.

8. Maintenance
   a. It shall be the responsibility of the property owner and occupant to maintain the standards established in the section. Enforcement of these standards shall be in accordance with the Section 15-10 of the Unified Development Code.
   b. Vacant or abandoned property shall be maintained in a clean and well landscaped manner.
9. Minimum Lot Size
   a. Lots located on Main Street and Frontier Street and within a C-l, C-2, or C-3 zoning district shall not be applicable to the minimum lot size requirements of the UDC. All lots must be at least thirty-five (35) feet in width.
   b Single family detached and attached development within R3 zoning districts shall be permitted to reduce lot sizes to a minimum of 4000 square foot per lot, with a maximum lot size of 5,000 square feet.
10. Mixed Residential and Commercial Uses

    Residential and Commercial uses may be combined on a single lot in any district provided:
    a. The uses are only those allowed with the district in which the lot is located; and
    b. Unless otherwise specifically stated within the district stipulations, each of the uses shall individually meet the space and bulk standards set forth in the district regulations; and
    c. Unless otherwise stated within the district regulations, each of the uses shall individually meet the off-street parking requirements of this article; and
    d. When residential and commercial uses are combined the standards for multi-family development for parking shall apply; and
    e. On Main Street from the Beeline Highway to McLane Road no residential development shall be permitted on the first floor fronting Main Street. The first floor frontage shall be allocated to commercial type development only. Residential development on Main Street shall only be permitted on the second floor or on the first floor behind any commercial development.
11. Accessory Units

    One Accessory Dwelling Unit may be added to a single family residential zoned lot within the Green Valley Redevelopment Area with the following conditions:
    a. The lot area exceeds the minimum area requirements by at least 50%.
    b. The Accessory Dwelling Unit does not require additional driveways from the street frontage.
    c. The inclusion of an Accessory Dwelling Unit shall not deter from the single family character of the area.
12. Home Occupations

    The UDC requirements for home occupied businesses shall be modified to allow no more than one customer or vehicle at a time for the home occupation business, The purpose of this requirement is to limit the amount of traffic into the home occupied business.
13. Clustering of Development

    Clustering of development shall be permitted within the Green Valley Redevelopment Area with the following conditions:

a. The maximum number of dwelling units permitted within the district stipulations shall not be exceeded.
b. When commercial development is included every 1500 square feet of commercial development will be considered a dwelling unit for purposes of calculating maximum density.
c. Development standards specified in the UDC shall be complied with except where additional modifications are permitted within this code.

14. Manufactured Homes

Manufactured homes seeking to be permitted within the Green Valley Redevelopment Area shall meet the following guidelines:

a. Wheels, axles and tongue must be removed from the unit.
b. Manufactured home must be affixed to a permanent stem wall foundation.
c. All roofs for manufactured homes shall have not less than a 3 in 12 pitch, and shall be shingle covered. ('No wooden shingles permitted)
d. Siding for Manufactured homes shall be of wood composition.

15. Underground Service Connections

Service lines connecting to individual commercial or residential development shall be placed underground within the Green Valley Redevelopment Area.

16. Signs

a. Off-Premise signs within the adjacent rights of way area may be considered by the Public Works Engineer through the rights of way permit process.
b. A sign permit application will be submitted to the Design Review Committee for their approval.
c. Any approval of a sign by the Design Review Committee and / or the Public Works Director shall comply with the objectives of the Green Valley Redevelopment area plan.

E. Historic Preservation:

1. Purpose & Intent:

The intent of this section is to provide protection for significant properties and sites which represent important aspects of the Town of Payson's heritage. Protection afforded these resources will enhance the character of the town, by taking such properties into account during the development process, and to assist owners in the preservation, conservation and restoration of these properties. The designation of any property or district shall not inhibit uses as permitted by the Unified Development Code.

2. Designation Criteria for Districts, Landmarks and Properties:

a. Designation of a landmark or historic property

(1) Meets the criteria for listing on the Arizona or National Register of Historic Places
(2) The submittal is found to be of exceptional significance and expresses a distinctive character, resulting from:
(a) A significant portion of it is at least fifty (50) years old; is reflective of the Town's cultural, social, political, or economic past; and is associated with a person or event significant in local, state or national history; or
(b) Represents an established and familiar visual feature of an area of the Town, due to a prominent location or singular physical feature.

(3) Local Designation - Landmarks and historic properties of special significance to the Town of Payson, but not necessarily eligible for State or National listing.

(4) If it has achieved significance within the past fifty (50) years or it is an integral and critical part of an historic district or demonstrates exceptional individual importance by otherwise meeting or exceeding the criteria specified in paragraphs (a) or (b) above it shall be considered eligible for designation as a landmark. At such time as a landmark becomes fifty (50) years old it will automatically be reclassified as an historic property.

b. Designation of an Historic District

Criteria to establish designation of a Historic District:

(1) The district consists of an area in which is located a concentration of properties, (minimum of three (3) lots) buildings or structures which individually meet the criteria in subsection "a" above.

(2) District boundaries may coincide with documented historic boundaries such as early roadways, subdivision plats or property lines.

(3) District boundaries may coincide with logical physical or man-made features and reflect recognized neighborhood or area boundaries.

(4) Other noncontributing properties or vacant parcels may be included where necessary to create appropriate boundaries or district.

(5) A district may also include or be composed of one or more archeological sites.

3. Designation Procedures for Landmarks, Historic Properties, and Districts

a. Application for the designation of a landmark or historic property shall be made by the owner of such property or the Historic Preservation and Conservation Commission on forms provided by the Community Development Department and, follow the procedures as outlined in 15-09-008 of the Unified Development Code entitled "Amendments to Text and Zoning Map" as well as 15-09-012 & 013 for the "Citizen Participation Plan".

Applications shall include:

(1) A map showing all parcels within three hundred (300) feet of the proposed landmark or historic property. A list of property owners with addresses shall also be included.

(2) An accurate legal description and tax parcel numbers as shown on the Gila County Tax Assessors Map

(3) A written description of the proposed landmark or historic property which addresses the criteria as described Section "C" above.

(4) Applications shall be scheduled for a Public Hearing in front of the Historic Preservation and Conservation Commission on their next available meeting or special meeting.

b. Designation Procedures of an Historic District

Application for the designation of an Historic District shall be made by the Historic Preservation and Conservation Commission or by petition of affected property owners and, follow the procedures as outlined in 15-09-008 of the Unified Development Code entitled "Amendments to Text and Zoning Map" as well as 15-09-012 & 013 for the "Citizen Participation Plan".

(1) A map showing all parcels within three hundred (300) feet of the proposed landmark or historic property. A list of property owners with addresses shall also be included.

(2) An accurate legal description and tax parcel numbers as shown on the Gila County Tax Assessors Map

(3) A written description of the proposed landmark or historic property which addresses the pertinent criteria as described Section "C" above.

(4) Applications shall be scheduled for a Public Hearing in front of the Historic Preservation and Conservation Commission (HPCC) on their next available meeting or special meeting.

c. Public Meeting Notification

Notification for nominations for landmarks and historic properties shall be placed in a local newspaper of general circulation with one publication at least 15 days prior to the scheduled hearing. The property described in the application shall also be posted with the notice of a public hearing.

4. Effects of Designation

a. The approval of an application for an Historic District shall have the effect of amending the zoning map by the placement of an "H" over the affected area.

b. Any uses permitted in the underlying zoning district shall also be permitted with the designation of an historic district.

5. Review Guidelines for alteration or new construction:

a. Application for a building permit from the Town to alter, remodel, build or otherwise develop property designated as an historic property, landmark, or historic district, issuance of that permit shall be deferred until such time as the application has been reviewed by the HPCC. The HPCC shall issue a Certificate of Suitability prior to issuance of the building permit.

Note: Alterations, minor in nature, which do not affect the character of the structure, may be approved by the Community Development Director or his designee.

b. Applications for review by the HPCC shall require submittal of the following:

(1) An application for a building permit accompanied by such fee(s) as may be adopted.

(2) Photographs of the existing property

(3) Drawings, to scale, of the site plan, floor plans and all elevations of the proposed work.

(4) Material and color board used shall be shown on the elevations plan.

(5) Signage plan to scale, showing the color, materials, dimensions, and location of proposed signage.

(6) Any other information which the applicant or the HPCC may deem necessary to review the proposed application.

c. The HPCC shall consider the request at their next regularly scheduled meeting using the following criteria:

(1) The proposed work on any portion of a landmark or historic property shall be compatible with the distinctive character of the overall property, and the adjoining properties or district if applicable.

(2) The proposed work on any portion of a contributing property within an historic district shall be compatible with the recognized distinctive character of the overall district, as determined by adopted design guideline of the district.

(3) If State or Federal funds are used in the alteration of the property the Secretary of Interiors standards for the treatment of historic properties shall be applicable in addition to the criteria specified in paragraphs (a) and (b) above.

d. An approval by the HPCC of an application shall be valid for a period of one year from the date of approval.

(1) A 6 month extension may be granted by the HPCC.

(2) Extension requests shall be filed prior to the expiration date.

e. Appeals

Appeals to HPCC decisions shall be filed within 15 days of the meeting date at which a decision was rendered, and placed on the next Town Council Meeting.

6. Demolition and removal:

When a building permit is sought from the Town to demolish or remove a designated historic property, landmark, or any property within an historic district, issuance of that permit shall be deferred until such time as the application has been reviewed by the HPCC. The HPCC shall issue a Certificate of Suitability prior to issuance of the building permit.

Note: Properties not listed as an historic property or landmark will be approved by the Community Development Director or his designee.

b. An application to demolish or remove a landmark or historic property shall include:

(1) Photographs of the existing property

(2) A preliminary plan for the redevelopment of the parcel indicating the intended use and site plan

(3) A narrative report supporting the necessity to remove the landmark or historic property.

(4) If the landmark or historic property is to be removed for structural reasons then their must be supporting documentation from an Arizona registered architect or structural engineer.

c. Economic Relief

An application to demolish or remove a landmark or historic property can be based on the need for economic relief. Separate standards for granting economic relief to demolish or remove a landmark or historic property are established for investment income producing property and for non-income producing property. Non-income producing property shall consist of single family dwellings and non-income producing institutional properties.

(1) Income producing property may be approved to demolish or remove if the property owner demonstrates that a reasonable rate of return on investment cannot be obtained from the property in its present state or if rehabilitated.

(2) Non-income producing property may be approved to demolish or remove if the property owner demonstrates that the property has no reasonable use as a single family dwelling or for an institutional use in it present condition or if rehabilitated.

(3) Economic relief shall not be granted due to the following circumstances:

(a) Willful destructive acts caused by the owner

(b) Purchase of property for substantially more than the market value

(c) Failure to perform normal maintenance and repair

(d) Failure to diligently solicit and retain tenants or provide normal tenant improvements

d. Criteria for HPCC review of request to demolish or remove
   (1) The property which is proposed to be demolished or removed is of no historic or architectural value or significance, and does not contribute to the distinctive character of the property or district, or
   (2) The loss of the property would not adversely affect the integrity, nor diminish the distinctive character of the historic district, and the standards for economic relief as stated in item "c" above justify the removal or demolition of the historic property or landmark
e. Approval of an application to demolish or remove a landmark or historic property shall be valid for a period of one year from date of approval.
   (1) A 6 month extension may be granted by the HPCC.
   (2) A request for the 6 month extension shall be filed prior to the expiration date of the approval.
f. If a request to demolish or remove a landmark or historic structure is denied then no demolition or removal shall be permitted within 180 days from the date of denial. During this period of restraint the HPCC will attempt to secure whatever assistance as may be feasible to effect the preservation of the property, such as economic assistance, acquisition, purchase of a preservation easement, or location of a buyer who, upon purchase terms agreeable to the owner, will enter into a preservation covenant with the Town for a period of at least five (5) years.

   Note: If the HPCC is unable to secure such assistance within the 180 days the proposed demolition or removal shall be approved, subject to the issuance of the appropriate permit by the building official.
g. If the Building Official finds that a designated property is an imminent hazard to public safety, and has determined that repairs or relocation would not be appropriate or feasible he/she may approve a request to demolish or remove after consultation with the HPCC.

7. Maintenance & Repair:
   a. Ordinary maintenance and repair of a designated property shall be performed by the owner and shall not require specific approval from the HPCC, provided that such maintenance or repair does not significantly alter the features which contribute to the distinctive character of such a designated property.
   b. The owner of a designated property shall not permit the property to fall into a state of disrepair so as to result in the deterioration of any significant exterior feature which would have a detrimental effect on the distinctive character of the property itself or, that of the overall district.
   c. The condition of the property at the time of its designation shall be the standard of reference for the evaluation of future deterioration.
   d. Examples of deterioration which shall be prevented by the owner of the designated property by means of ordinary maintenance and repair shall include, but not be limited to the following:
      (1) Excessive erosion, reverse drainage and other preventable site conditions which may adversely affect significant structures;
      (2) Loss of structural integrity due to deterioration of footings, load-bearing walls, columns, beams, trusses or other support members;

(3) Weathering or damage to exterior elements such as well and roof surfaces, chimneys, balustrades, doors, windows and other architectural features;
(4) Loss of weather-tightness or security due to any of the above; or
(5) Deterioration of any feature that creates a hazardous condition which could lead to the claim that demolition is necessary as a matter of public safety.

e. In order to prevent demolition by neglect, resulting from deterioration as described in subsection "d" above, the Town may effect repairs to a landmark, historic property or contributing property within an historic district and place an assessment against the property for the cost of such repairs.
f. Enforcement of this section shall be the responsibility of the Community Development Director.

8. Incentives:

It is the intent of the Town to make ownership of a landmark, historic property or properties within an historic district as beneficial as possible. In addition to the intangible benefits of owning a property recognized as an important community resource, the HPCC may, when applicable and feasible, provide such owners with the following:

a. Assistance in locating potential sources of financial assistance and tax credit;
b. Assistance in preparing grant applications and potential third party sponsorship;
c. Technical information and referrals;
d. Assistance in locating buyers or sellers;
e. Assistance in obtaining other benefits as may become available through these or other sources.

9. Enforcement:

The enforcement of the regulations of this section shall be in accordance with Section 15-10 of the Unified Development Code.

10. Definitions:

Adaptive Reuse The process of adapting a property, site, building, or structure for a use other than that for which it was originally intended, designed or previously used

Addition A non-historical extension or increase in floor area or height of a building or structure.

Alteration A modification to a building or structure that affects usability of the building or structure, or part thereof. An alteration is the aesthetic, architectural, mechanical or structural change to the exterior surface of any significant part of a designated property. Alterations include but are not limited to: remodeling, renovation, rehabilitation, reconstruction, historic restoration, changes or rearrangements, in the plan configuration of walls and full height partitions.

Arizona Register of Historic Places A list of historic properties within the State of Arizona maintained by the Arizona State Parks Board, State Historic Preservation Office pursuant to A.R.S. 41-511.04(9). This is the official record of Arizona's historic districts, archaeological sites, buildings, structures and objects significant to the history of Arizona.

Building Any structure created to shelter any form of human activity such as a house, church, store, and hotel; may also refer to a related complex such as a house and barn or a courthouse and jail.

Certified Local Government (CLG) A federal program designed to decentralize the National Historic Preservation Program by assigning decision making bodies to the States and

ultimately to the local government. Application for certification is reviewed by the State Historic Preservation Office (SHPO) and must document at a minimum, establishment of an historic preservation commission, an historic preservation ordinance and development of an historic preservation plan.

Compatibility A pleasing visual relationship between elements of a property, building or structure, or among properties, buildings and structures with their surroundings. Aspects of compatibility may include, but are not limited to proportion, rhythm, detail, texture, material, reflectance and architectural style.

Commission The Historic Preservation and Conservation Commission for the Town of Payson.

Conservation The practice of prolonging the physical and aesthetic life of pre-historic and historic material culture through documentation, preventative care, treatment and research.

Contributing Property A classification applied to an individual property within a designated historic district, signifying that the property contributes generally to the distinctive character of the district or archeological site.

Cultural Resource Building, site, structure, object or district evaluation as having significance in pre-history or history.

Demolition The act or process that destroys a designated property.

Designated Property A property which has been classified as a landmark, historic property or contributing property within a historic district.

Distinctive Character The distinguishing architectural and aesthetic characteristics of a landmark or historic property or those generally found throughout an historic district which fulfill the criteria for designation.

Historic District (District) Generally an area possessing a significant concentration, linkage, or continuity of sites, buildings, structures or objects, or a combination thereof, united historically or aesthetically by plan or physical development. Specifically the definition can include a designation in the form of overly zoning, applied to all properties within the defined boundaries which express a distinctive character worthy of preservation

Historic Preservation Officer (HPO) The secretary to the Historic Preservation and Conservation Commission

Historic Preservation Plan An element of the Master Plan for the Town of Payson

Historic Property A designation in the form of overlay zoning, applied to an individual property, as a result of formal adoption of the Town Council which expresses distinctive character worthy of preservation, or an archeological site.

Historical Significance Importance of which a property has been evaluated and found to be historic, as determined by the authority having jurisdiction

Landmark A prominent or conspicuous object or land mass that serves as a guide; a distinguishing landscape feature making a site or location; something used to mark a boundary of land.

Life Safety Evaluation An evaluation of the life-safety hazards of a building or structure based on procedures similar to those contained in NFPA 909, Standard for the Protection of Cultural Heritage Resources, Appendix B, fire Risk Assessment in Heritage Premises.

National Register of Historic Places A register of historic places as established by the Historic Sites Act of 1935 and expanded by the National Preservation Act of 1966 as amended. It is the nation's official listing of pre-historic and historic properties worthy of

preservation. It affords protection and recognition for districts, sites, buildings, and structures significant in American history, architecture, archaeology, engineering and culture.

Non-Contributing Property A classification applied to an individual property located within a designated historic district, signifying that the property does not contribute to the distinctive character of the district. Properties presenting 25% or more new construction with regard to sensitivity of the existing structure, or extreme alteration fall into this category.

Ordinary Maintenance and Repair Regular or usual care, upkeep or replacement of any part or putting back together that which is deteriorated or broken, of an existing property, building or structure to effect the maintenance of a safe, sanitary and suitable condition.

Owner The legal ownership entity of an individual parcel or property as recorded with the Gila County Recorder's Office. For the purposes of this content, each parcel or property shall be considered to have one owner.

Payson Historic Property Register A document listing all designated properties or districts within the Town of Payson.

Period of Significance The length of time when a historic building, property or site was associated with important events, activities, persons, or attained characteristic which qualifies it for registration.

Preservation The act or process of applying measures necessary to sustain the existing form, integrity, and materials of a historic property, building or structure. Work, including preliminary measures to protect and stabilize the property, generally focuses upon the ongoing maintenance and repair of historic materials and features rather than extensive replacement and new construction. New exterior additions are not within the scope of this treatment; however, the limited and sensitive upgrading of mechanical, electrical, and other code-related work to properties functional is appropriate within a preservation project.

Preservation Covenant A deed restriction, filed with the Gila County Recorder's Office which lists the owners use of a designated property in order to effect the preservation of the distinctive character of the property.

Preservation Easement The nonpossessory interest of a holder in real property, said property being a designated property, imposing limitations or obligations to preserve the distinctive character of that property, or a specified portion thereof.

Property Consists of buildings, structures or other improvements, or an archaeological site, associated with a particular parcel or location.

Qualified Historical Building or Property Any building or structure, site object, district or collection of structures and their associated sites, deemed of importance to the history, architecture, or culture of an area by an appropriate local, state or federal governmental jurisdiction. This shall include designated buildings or properties on, or determined eligible for official national, state or local government historic registers or inventories.

Reconstruction The act or process of depicting, by means of new construction, the form, features and detailing or a non-surviving site, landscape, building, structure or object for the purpose of replicating its appearance at a specific period of time.

Rehabilitation The act or process of making possible a compatible use for a property, building, or structure or a portion of a structure through repair, alternations and additions while preserving those portions for features which convey its historical, cultural or architectural values.

Repair Renewal, reconstruction, or renovation of any portion of an existing property, tie or building for the purpose of its continued use.

Restoration The act or process of accurately depicting the form, features and character of a property, building or structure as it appeared at a particular period of time by the means of the removal of features from other periods in its history and reconstruction of the missing features from the restoration period. The limited and sensitive upgrading of mechanical, electrical, and plumbing systems and other code-required work to make properties functional is appropriate within a restoration project.

Secretary of the Interior's Standards for the Treatment of Historic Properties The Standards developed, and adopted as amended, by the Secretary of the Interior of the United States to guide work funded by or otherwise conducted under the auspices of the federal government on historic properties and archaeological sites, Guidelines are given for preservation, rehabilitation, restoration and reconstruction.

Significant Possessing aesthetic, architectural or historical qualities of critical importance to the consideration of a property, building or structure for classification as a designated property.

Structure That which is built or constructed, an edifice or a building of any kind, or any piece of work artificially built up or composed of parts joined together in some definite manner. A tower would an example.

PART I

A. Purpose & Intent

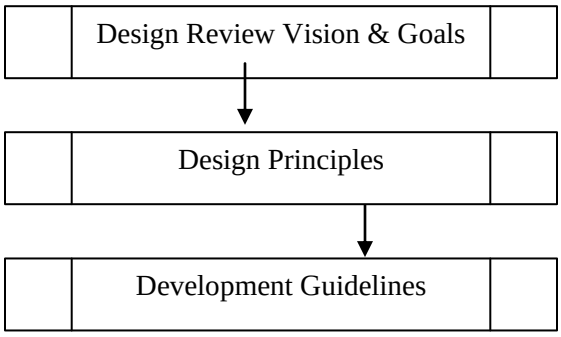
1. The purpose of Design Review is to encourage:
    a. Preservation and enhancement of property values;
    b. Enhancement of public safety;
    c. Promotion of pedestrian safety and comfort;
    d. Preservation of natural landscaping and significant natural features;
    e. Preservation of our quality of life; and
    f. Enhancement of the aesthetic environment.

2. The Town desires to preserve the mountain, forest character of its small, rural community and highly values:
    a. Natural, indigenous building materials, textures and colors that blend with the environment and are compatible with our natural surroundings;
    b. Structures and layouts that compliment pedestrian systems;
    c. Non-contemporary, traditional western style, mountain character building forms; and
    d. Native landscaping and preservation of significant features, such as mature tree growth, rock outcrops, and view sheds.

B. Vision & Goals

1. The design review process is intended to provide the Town with an orderly aesthetic growth pattern in keeping with the cultural and historic foundations of the Town of Payson. Indigenous building materials used by the prehistoric builders and early settlers in the Payson region included the use of the abundant stone and wood timber of the area. These natural materials remain a favorite for use in construction within our community today, thus providing an aesthetic bridge between the past and our promising future as we continue to grow at the edge of the world's largest Ponderosa Pine forest.

2. The goals of Design Review include:
    a. Preservation of the mountain, forest character and heritage of the Town of Payson;
    b. Encourage the use of non-contemporary, rustic style buildings;
    c. Ensuring development is appropriate in terms of scale within the Town and relative to the vicinity of the site.



All proposals should strive to meet the vision and goals of design review and address the appropriate design principles. Development guidelines help ensure the established design principles are incorporated into each project and that all new development contributes to the design review vision.

C. Design Principles

Payson's Design Principles are centered around the belief that development should respect the unique climate, topography, vegetation and historical context of Payson's natural forest and mountain environment. These characteristics help sustain our community, its attractiveness as a tourist destination, and its quality of life. These Design Principles are the essence of and foundation for the guidelines described in this Design Review Manual.

1. Architectural Character

Building style should reflect Payson's mountain look and western heritage.

Structures should enhance the human level of commercial developments and respect the scale and character of the Town and adjoining areas.

Materials should compliment the mountain, forest environment through the use of abundant stone and wood.

Sloped roofs having a minimum two foot overhang are encouraged.

Natural, subdued, mountain brown and forest green colors are encouraged.

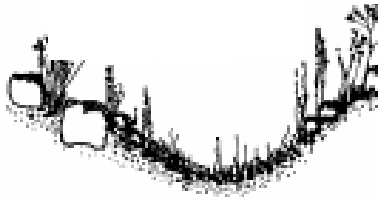
On painted structures, contrast between trim and body colors is encouraged.

Palette and colors should reflect the predominant natural subdued color of the mountains and the forest.

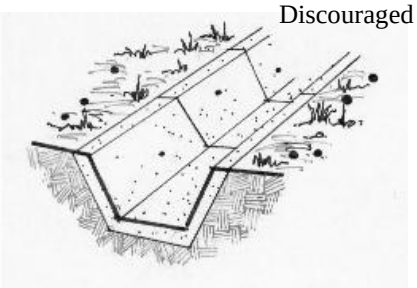
Franchise businesses may need to modify corporate prototypes to fit the character of Payson.

The use of good site planning and design, landscape architecture and civil engineering that enhances the existing and future appearance of development areas is highly valued.

Development and layout of buildings at this site (right) preserved the stand of existing Ponderosa Pine trees in a meaningful open space area, which also doubles as a detention area.

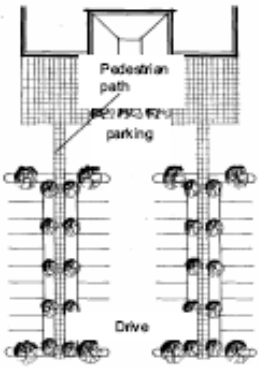


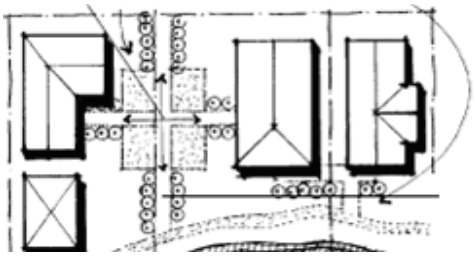
Areas for retention or detention should maintain existing native plants on the site and be landscaped with appropriate materials and integrated into the overall design and layout of the development.

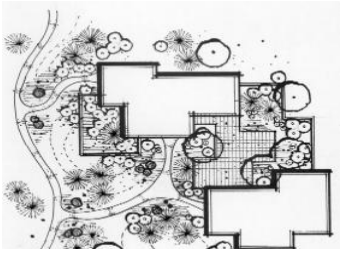


A strong pedestrian connection should be provided from the building to public walkways, and area wide Payson Area Trails System, where applicable.

Walkways should be defined to provide clear, convenient routes through parking lots to building entrances.





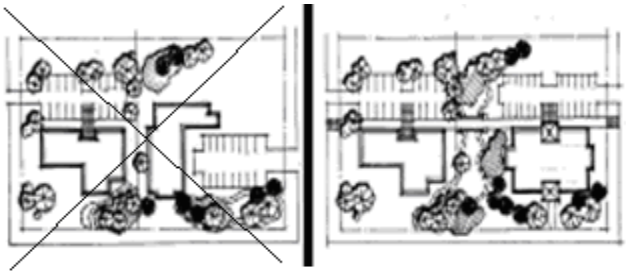


The pedestrian ways shown (left) link adjacent developments and connect to public trails and walkways.

Meandering sidewalks are preferred over rigid, straight alignments.

All development proposals should coordinate pedestrian and vehicular circulation patterns with adjacent buildings and sites.

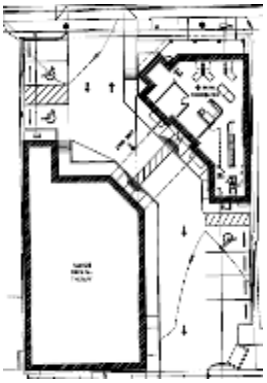
Shared access drives are encouraged to minimize curb cuts.



Discouraged Encouraged

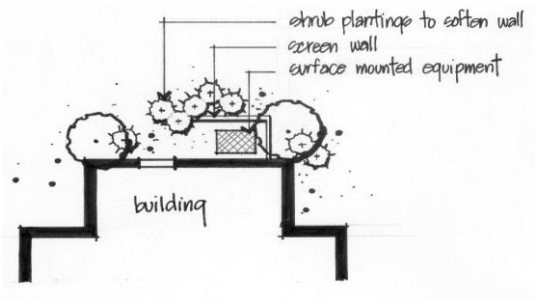
Lots shown (above) have coordinated their layout to maintain continuity of parking areas and building orientation, and also to create more significant natural areas.

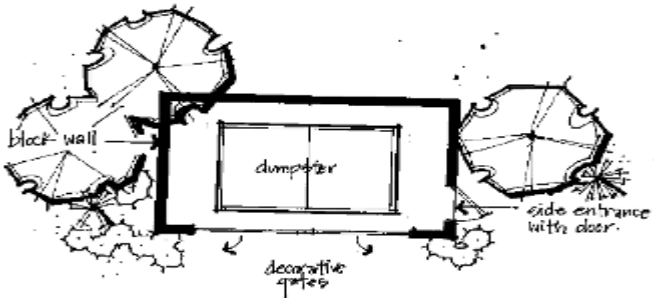
Lots shown (right) share a common drive, reducing the number of curb cuts along the street and also share parking and trash enclosure.



Placement of roads and driveways that follow natural topography wherever possible is encouraged to minimize cutting and grading.

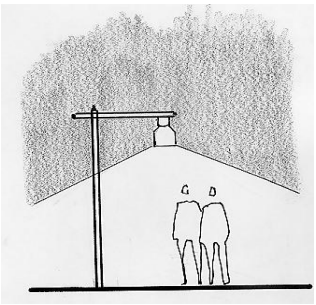
Mechanical equipment, loading/unloading areas and utility areas should be screened and located in an area of the site not readily viewed by the public.





Dark-sky principles should govern the design of all site lighting and signage. Care should be taken to minimize the amount of light spill from structures, including spill from skylights and windows.

Acceptable fixtures shield the source of illumination from the top and side.

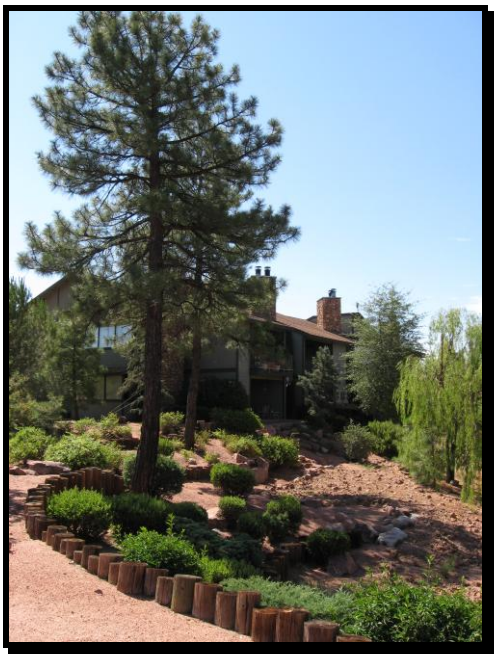


Carriage fixtures that are fully shielded (bulb is located in the upper housing element of the fixture) may be used.

Unacceptable fixtures do not obscure the source of illumination allowing for glare and light trespass.

3. Landscaping

Landscaping should be integral to the overall design concept and should be carefully planned to serve more than one purpose. The landscape design should contribute to the overall appearance and function of the site as well as the streetscape.



Development should enhance the beauty of the landscape by the preservation of significant natural topographic features, such as rock outcroppings, mature native trees and plants, and floodplains or drainage ways.

Boulders should be "planted" as shown to appear natural.

Low water use perennials are encouraged within planter areas.

Trees and plants should be provided against all buildings to anchor them to the site and the surrounding environment and help soften the structure.

Landscaping in all projects should be maintained in a healthy and attractive condition and replaced as needed.

4. <u>Signs</u>

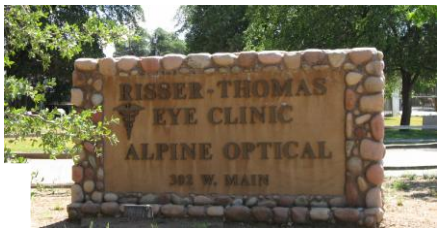
Signs are a means of communication for the convenience of the public. To make them effective; over concentration, improper placement, and excessive size should be avoided.

Signage should be compatible with nearby public and private property and should be an integral component of the style and character of the building(s) to which they relate.

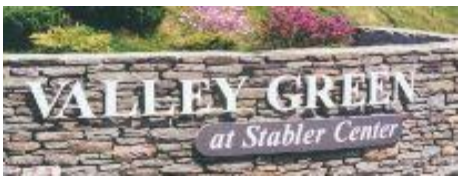
This sign is architecturally integrated with the building through the use of repeating materials, dark-sky compliant through the use of lights recessed under the sign roof, and landscaped appropriately.

Signs on sandblasted rock, engraved wood, and similar creative and distinctive graphics are encouraged.

Non-illuminated, low profile monument style signs are preferred.



The use of channel letters (face lit), or reverse channel letters (halo lit) instead of illuminated box or cabinet style signs is encouraged.



All signs and awnings should be maintained in good repair.

PART II

A. Applicability

1. The Design Review overlay district shall include all property located within the Town of Payson.

2. The following activities occurring within the Design Review overlay district shall obtain Design Review approval prior to the issuance of any grading or building permits or commencement of any construction activity:

    a. Any construction activity requiring a grading or building permit.
    b. Modifications to signage or new signage.
    c. Any exterior painting of a building, fence, wall, or façade.
    d. Changing of a building façade or roof.
    e. Removal or modifications to existing landscaping.
    f. Site modifications including any grubbing, stripping, cutting, excavating, filling, or shaping of the earth, land, soil or material, or removal of vegetation.
    g. Exterior display or storage of merchandise, goods, supplies, or similar items.
    h. Construction of or modifications to accessory structures, fences and site walls.

3. The following activities occurring within the Design Review overlay district shall be exempt from Design Review:

    a. Construction of or modifications to single family detached and two and three family residential units.
    b. Maintenance of the exterior of an existing structure such as repainting, re-roofing, and re-siding where the same materials and colors are used, so long as those colors and materials were previously in compliance with or approved through the Design Review process.
    c. Interior remodeling.

PART III

A. Application Procedure

1. Applications for Design Review consideration of any project shall be made on the forms provided by the Community Development Department.

2. All applicants shall arrange a pre-application conference with the Community Development Director or his/her designee prior to the submittal of a Design Review Application Packet.

3. a. The Design Review Board shall review all Design Review applications except minor changes.
   b. Minor changes shall be reviewed by the Community Development Director or his/her designee.
   c. Minor changes shall mean any of the following, except for those properties covered by Part IV Subsection D – Historic "Main Street" Payson:
      i. All resurfacing of existing vertical structures
      ii. All signs that are otherwise in compliance with this Code
      iii. A building or vertical structure that (1) is an addition or accessory structure to an existing building and does not exceed the lesser of 25% of the existing building floor area or five thousand (5,000) square feet and (2) is complimentary with surrounding properties as well as the existing building.
      iv. An addition or accessory structure that does not substantially or detrimentally alter the appearance of the site as seen from off-site.
      v. Additions or expansions of a site, where no vertical structure is involved.

4. All Design Review applications shall be approved or denied within fifteen (15) calendar days from the date of a complete submittal, unless the applicant requests an extension.

5. A design review application shall not be approved unless the applicant demonstrates the following:
   a. Consistency with the purpose & intent, vision & goals, and principles of the Design Review Overlay District; and
   b. Compliance with the Development Standards set forth in 15-02-014, PART IV.

6. In conjunction with subsection 3 above, the Design Review Board or Community Development Director, on a case by case basis, may make exceptions to the development standards set forth in 15-02-014, PART IV (a) to eliminate or mitigate legal nonconforming buildings, signs or other structures, and (b) due to unique characteristics or features of the site.

7. Design Review approval, unless otherwise specified in approval conditions, shall be valid for a period not to exceed 18 months from date of approval.

B. Appeals

1. Any applicant aggrieved by a Design Review decision may appeal that decision, provided the applicant submits an appeal in writing within 15 days of the date of the decision. The applicant shall specify in the written appeal any alleged errors in the decision and shall have the burden of demonstrating why the decision was in error.
   a. An appeal of a decision by the Community Development Director shall be heard by the Design Review Board as soon as is reasonably practicable following receipt of the appeal by the Community Development Department and in accordance with Arizona's Open Meeting Laws.
   b. An appeal of a decision by the Design Review Board shall be heard by the Town Council as soon as is reasonably practical following receipt of the appeal by the Community Development Department and in accordance with Arizona's Open Meeting Laws.
   c. In no case shall the date for an appeal hearing exceed 60 calendar days from the date the appeal is received by the Community Development Department, unless specifically requested by the applicant.

C. Maintenance and Enforcement

1. Prior to issuance of a building permit or grading permit the Building Official shall determine that all requirements of the Design Review have been met.

2. The Community Development Director or Director's designee shall insure that all matters are undertaken according to conditions of the approved plans. Noncompliance with the approved plans shall be grounds for stopping work on the project or for denial of a Certificate of Occupancy.

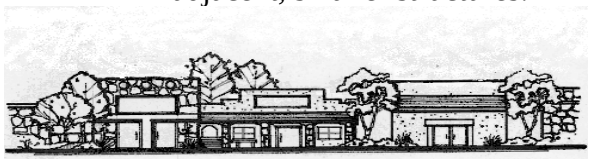
3. Failure to maintain compliance with the requirements of section 15-02-014 shall be subject to enforcement action in accordance with Section 15-10.

PART IV
REGULATIONS AND DEVELOPMENT REQUIREMENTS

A. Commercial Zones/Non Residential in Residential Zones

Architectural Character

1. Building Style
   a. Architectural style shall be appropriate to our small, rural, western, mountain town. Examples of preferred architectural style are provided in Part I, Section C.1.
   b. Blank walls or wall sections shall be limited. Walls exceeding 20 feet in length shall have off sets or other architectural features.
   c. All visible facades shall have similar detailing as and be compatible with any street facing façade of the building.
   d. Building pads or structures, parking areas, and other use areas shall be stepped with the terrain and/or divided into a series of smaller components.
   e. Where applicable, buildings shall be stepped down in height as they approach adjacent, smaller structures.

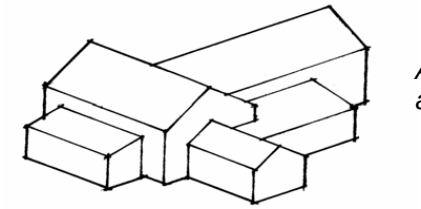


Encouraged

Discouraged

2. Materials
   a. Approved building materials include; wood, stone, faux wood, faux stone, textured architectural concrete masonry, and stucco infill panels framed with other approved materials.
   b. Metal buildings are permitted if they have a façade composed of approved building materials on all visible sides.
   c. Decorative metal such as rails, jambs, trim and limited wall area are acceptable if consistent with the purpose and intent of this section.

3. Roofs
   a. Rooflines shall be offset to create interest. No parapet or ridgeline shall exceed 75% of the linear dimension of the building running parallel to the parapet or ridgeline.



Appropriate: A variation in roof heights add architectural articulation.

   b. Visible facades shall give the impression of a sloped roof.
   c. Metal roofs (with non-reflective/low reflectance finishes) concrete faux slate and concrete faux wood shingles in natural colors, and architectural 40 year asphalt composition shingles are acceptable.
   d. Mission style tile and light colored roofs are not allowed.

4. Windows and Doors
   a. Detail such as trim is required at all doorways and around windows.
   b. Windows and openings shall constitute a minimum of 35% of the area of the first floor entry side, 20% minimum on street sides. (Multi-family residential projects excluded.)
   c. Contemporary forms, details and materials are discouraged.
   d. The use of mill finished aluminum windows and door frames is prohibited.

5. Signage
   a. Signs and their supports shall be architecturally integrated with the buildings for which they apply.
   b. Signs shall be dark-sky compliant.
   c. All freestanding signs shall include landscaping.
   d. Outdoor, internally illuminated advertising signs shall either be constructed with an opaque background and translucent letters and symbols or with a colored (not clear, white, cream, off-white, yellow or other light color) translucent background, with either translucent or opaque letters and symbols. (Opaque means only that the material must not transmit light from the internal illumination source.)

6. Colors
   a. Colors utilized for all structures, including non-copy areas of signage, shall have a light reflectance value of 35% or less.
   b. Glossy or reflective paints or materials are not permitted. Only natural hues and weak chromas of any color will be considered.
   c. Paint and stain colors shall reflect naturally occurring forest elements, surrounding soil, rock, vegetation or other existing natural features of the site.

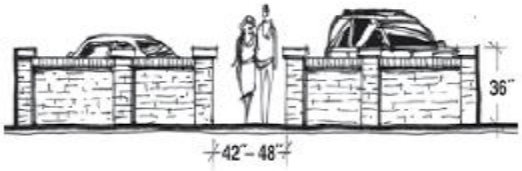
Site Character

7. Landscaping
   a. Existing natural landscaping shall be preserved wherever possible, including existing native vegetation in building front, side and rear yard setbacks.
   b. Natural on site rock outcrops and boulders shall be retained, preserved and augmented where feasible.
   c. Any site area not paved or occupied by structures shall be preserved in its undisturbed state or landscaped in a naturally appealing state to provide dust and erosion control and to prevent environmental pollution of the air or waterways.
   d. Landscaping shall be provided at the foot of buildings to soften the transition between paved areas on the ground and building materials on the vertical plane.
   e. Proposed development shall be required to include street trees, boulders and native vegetation within the adjacent rights of way areas. In areas where an adopted streetscape plan is in effect, tree placement and selection shall be in accordance with the respective plan.
   f. Approved landscaping shall be maintained in a healthy condition with adequate watering, fertilization, and grooming in accordance with industry standards.

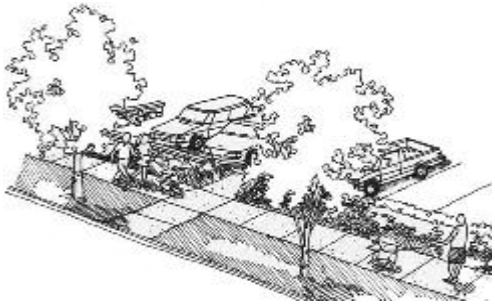
8. Lighting
   a. “Dark Sky”, full-cutoff fixtures that shield the source of illumination are required.

9. Fences, walls, and equipment screening
   a. Fences and walls adjacent to public rights of way shall utilize only permitted building materials.
   b. Fences, walls and screening of mechanical equipment and utility boxes shall be compatible with the building style and shall be an integral part of the overall site design.

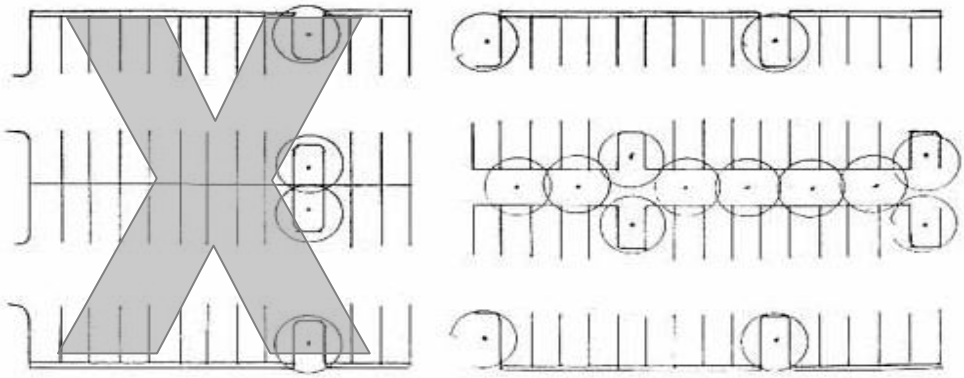
10. Parking and Pedestrian Systems
   a. Pedestrian systems shall be clearly defined and differentiated from parking and driveways with different surface texture and/or color.
   b. Pedestrian systems shall connect the pedestrian system along the public right of way to the main entrance of the building.
   c. Parking areas, including temporary parking for fueling, drive-through areas and similar uses shall be screened from public rights of way with hedges, low screen walls, earth berms or other landscaping.



PARKING LOT SCREENING



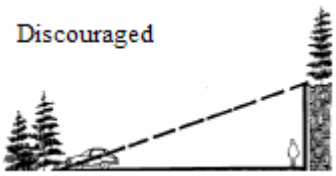
   d. Planted islands large enough to accommodate trees and low shrubs shall be located at the ends of parking rows, and between opposing rows of parked cars.



Unacceptable Acceptable landscaping between opposing rows of parked cars

   e. Landscape islands within parking areas shall be arranged to protect in place significant native trees over six (6) inches in diameter. Where groves of native trees need to be cleared for parking areas, trees shall be retained within the setback areas of the site and within landscape islands at various locations in the interior of the parking areas.

11. Topography
    a. The topography of the existing site shall be strongly considered in the design of the proposed project. Extensive cutting and/or filling is discouraged. The intended result at completion is for a "natural" looking improvement.



B. Multifamily Residential Development – The provisions of section A above shall govern.

ARCHITECTURAL DESIGN GUIDELINES, REGULATIONS AND DEVELOPMENT REQUIREMENTS

C. Industrial Districts (M1, M2)

Architectural Character

1. Building Style
   Step downs in roof ridge lines and wall offsets are encouraged to add interest to the building façade and to create an attractive building massing.

2. Materials
   Building materials may include; wood, stone, faux wood, faux stone, textured architectural concrete masonry, stucco, and metal buildings. Other materials will be considered when integral with the business's products.

3. Roofs
   Metal roofs (with non-reflective/low reflectance finishes) concrete faux slate and concrete faux wood shingles in natural colors, and architectural fire resistant asphalt composition shingles are acceptable. Light colored roofs are not allowed.

4. Windows and Doors
   Mill finish aluminum frame work is not allowed.

5. Signage
   a. Signs shall be limited to wall or building mounted and/or freestanding low profile signage only.
   b. Sign illumination shall be dark-sky compliant.
   c. All freestanding low profile signs shall include landscaping.
   d. Outdoor, internally illuminated advertising signs shall either be constructed with an opaque background and translucent letters and symbols or with a colored (not clear, white, cream, off-white, yellow or other light color) translucent background, with either translucent or opaque letters and symbols. (Opaque means that the material does not transmit light from the internal illumination source.)

6. Colors
   a. Colors utilized for all structures, including visible roof surfaces and non-copy areas of signage, shall have a light reflectance value of 40% or less.
   b. Glossy or reflective paints or materials are not permitted. Only natural hues and weak chromas of any color will be considered.
   c. Paint and stain colors shall reflect naturally occurring forest elements, surrounding soil, rock, vegetation or other existing natural features of the site.

Site Character

7. Landscaping
   a. Existing natural landscaping shall be preserved wherever possible, including existing native vegetation in building front, side and rear yard setbacks.
   b. Natural on site rock outcrops and boulders shall be retained, preserved and augmented where feasible.
   c. Any site area not paved or occupied by structures shall be preserved in its undisturbed state or landscaped in a naturally appealing state to provide dust and erosion control and to prevent environmental pollution of the air or waterways.
   d. Landscaping shall be provided at the foot of buildings to soften the transition between paved areas on the ground and building materials on the vertical plane. Properties within the airport, properties located along Town designated airplane taxiways, and uses of buildings that are unduly restricted by the application of this provision may be granted relief from this provision by the Design Review Board or Community Development Director as applicable.
   e. Proposed development shall be required to include street trees, boulders and native vegetation within the adjacent rights of way areas. In areas where an adopted streetscape plan is in effect, tree placement and selection shall be in accordance with the respective plan.
   f. Approved landscaping shall be maintained in a healthy condition with adequate watering, fertilization, and grooming in accordance with industry standards.

8. Lighting
   "Dark Sky", full-cutoff fixtures that shield the source of illumination are required.

9. Fences, walls, and equipment screening
   No additional requirements.

10. Parking and Pedestrian Systems
   a. Pedestrian systems shall be clearly defined and differentiated from parking and driveways with different surface texture and/or color.
   b. Parking areas, including temporary parking for fueling, drive-through areas and similar uses shall be screened from public rights of way with hedges, low screen walls, earth berms or other landscaping.
   c. Planted islands large enough to accommodate trees and low shrubs shall be located at the ends of parking rows, and between opposing rows of parked cars.
   d. Landscape islands within parking areas shall be arranged to protect in place significant native trees over six (6) inches in diameter. Where groves of native trees need to be cleared for parking areas, trees shall be retained within the setback areas of the site and within landscape islands at various locations in the interior of the parking areas.

D. Historic "Main Street" Payson

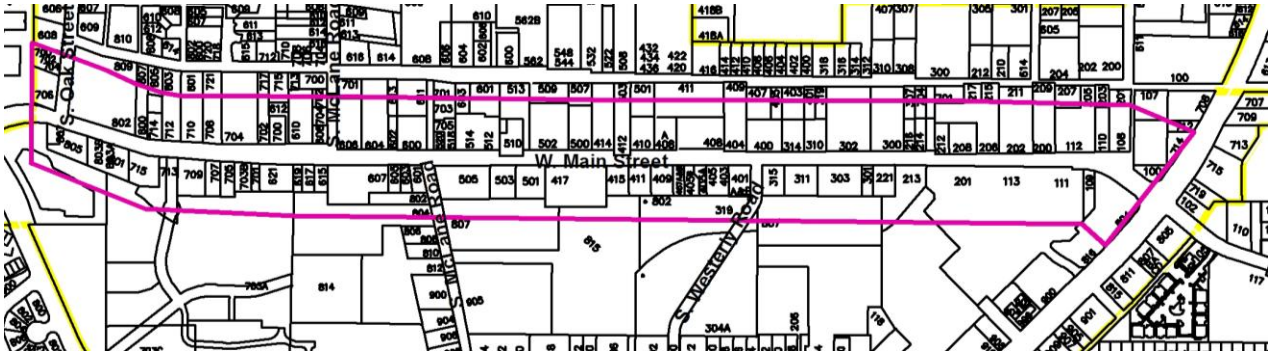
In addition to the provisions of Part IV, subsection A, all development located within the front 200 feet of all lots fronting on W. Main Street from Oak Street to Highway 87 shall be subject to the provisions of this subsection D. (see diagram below)

Vision

Historic old town Payson "Main Street" was the unique area of 1890-1930's Payson center of commerce and social activity. With this significant history, it is the intent and vision of these guidelines to encourage a rebirth, with economic vitality to the historic Main Street's pre-1930's era aesthetic and spirit of old Payson.

Purpose

The purpose of these guidelines is to ensure development is in harmony with the vision of old town Payson's historic "Main Street" as a destination experience. This will be accomplished through new and remodeled pre 1930's building facades, pedestrian and retail-friendly streetscapes with tree-lined boulevards and land planning that promotes this special sense of place. Building facades, street furniture, landscaping, public and private graphics, all with historic Main Street era elements will encourage this rebirth of Payson's Historic "Main Street."



Historic Main Street Design Review Area

Architectural Character

1. Building Style
   a. Suitability of the building for its location on Historic Main Street will be considered.
   b. Buildings shall reflect historic old Main Street era design and shall be compatible with adjacent structures and the intent and purpose of these regulations.
   c. In the areas of restoration/rehabilitation concealing of the original façade should be avoided.
   d. Overhead structures, with a minimum of 8 feet vertical clearance are required on the façade of the ground floor. Overhead structures are architectural features incorporated into the building façade, an embellishment of the building that provides visual interest, shade, and pedestrian comfort and protection. Overhead structures should be used to incorporate historic old Main Street era architecture. (See Appendix D)

e. The architectural design shall be historically themed and shall be compatible with the historic area aesthetic. Design compatibility shall include complimentary building style, form, scale, size, colors and materials.
f. Diversity of architectural design of that pre-1930's traditional Main Street era is encouraged. (See examples Appendix D)
g. Reveals are encouraged at all doorways and windows that front on Main Street. Reveals are also encouraged at side and rear walls visible from Main Street.

2. Materials
   a. Rough-sawn wood, stone and pre 1930's historic old Main Street era materials reflecting the "pioneer" look are encouraged. Faux representative materials will be considered. (See Appendix D)
   b. Reflective, mirrored glass, and glass block windows are prohibited.

3. Roofs
   a. Gabled roof, shed roof, or boomtown facades are required.

4. Windows and Doors
   a. Windows and/or other openings shall constitute at least 50% of the surface area of all first floor walls or facades facing Main Street. Where occupancy dictates, a lesser percentage may be considered by the Design Review Board.

5. Signage:
   a. All new and replacement signs within the Historic Main Street corridor shall promote the image of historic Main Street, approximately 1890 through 1930, when Main Street was the center of commerce in Payson. By recreating the visual impact of the graphics of the time at an affordable cost, the street image will change without incurring the more costly, in both time and dollars, building façade replacements or new developments. Town of Payson standardized Street signs, public information signs and address signs as well as the individual private business signs shall be designed and installed to promote the early 1900's streetscape graphic visual. (See examples Appendix D)
   b. Oversized Historic Main Street signs will be considered on a case by case basis. Photographic historical examples submitted with the applicant's proposal will weigh in the evaluation of the applicant's proposed oversized signs. Maximum increase in the size of an oversized sign is 100%.
   c. Boomtown facades with an oversized sign field are encouraged.
   d. Shed Roof covered walkways with individual proprietor's signs are encouraged. Several examples of this aesthetic and graphics are evidenced in historical photographs. (See Appendix D)
   e. All new signs should utilize the Payson area indigenous stone, and/or wood aesthetic to the greatest degree feasible. The sign supports, field materials and colors should reflect the mountain forest environment with bright colors limited to use in the graphics.
   f. All new building signs shall be applied on, affixed to, or supported by the "front" street facing façade of the building only. Other sign types/styles considered will be freestanding monument signs, freestanding pole/arm placard signs, and temporary portable event signs.
   g. Prohibited sign materials/components include neon, vacuum-formed, and internally illuminated or back-lit light cans.

6. Colors (No additional requirements-see Part IV, subsection A.)

Site Character

7. Landscaping
   a. Any area between adjacent buildings shall be landscaped or screened from public view.
   b. Landscaping shall compliment the old Main Street image and provide a pedestrian-friendly environment.
   c. Window planter boxes, hanging baskets, and ground containers are encouraged for flowers.
   d. Colors, textures and materials selected for walkways, patios and other ground plane enhancements shall emulate historical materials and shall be pedestrian friendly.
   e. Street furniture shall be historically themed and of a design and character consistent with Town streetscape elements.

8. Lighting
   a. Lighting fixtures shall appropriately reflect the historic Main Street era. (See examples Appendix D)

9. Fences, walls, and equipment screening
   a. Fences, walls and screening for mechanical equipment shall comply with the approved building materials and be compatible with the project.
   b. Fences and walls shall be historically themed.
   c. Utility areas, trash receptacles, storage, service and loading/unloading areas should be located at the rear of the site and shall be screened from public view with approved materials.

10. Parking and pedestrian systems
   a. Parking may not be placed forward of the building face on any portion of the lot with street frontage.
   b. Shared driveways are encouraged. (Shall be utilized where feasible.)
   c. One driveway per lot is allowed. When necessary a second driveway may be considered.
   d. Circulation patterns shall be safe and obvious. Pedestrian routes should promote window shopping.
   e. Where pedestrian routes cross vehicular routes the following shall be provided: a change in grade, materials, textures or color delineation.
   f. Bicycle parking facilities are encouraged and shall include provisions for locking of bicycles in secure racks.

11. Topography (No additional requirements-see Part IV, subsection A.)

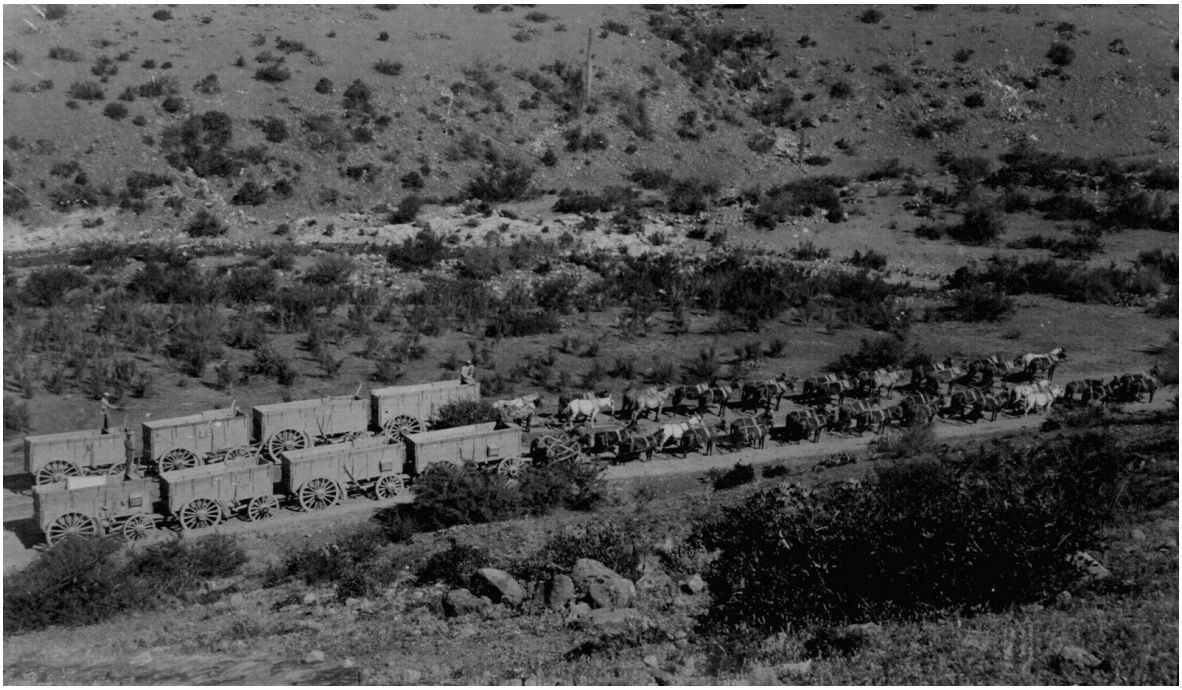
12. Building Setbacks
   a. Zero front yard and street side yard setbacks are allowed.

E. Government Properties and Buildings, Public Utilities – The provisions of section A above shall govern.

Appendix D

Historic "Main Street"

Payson

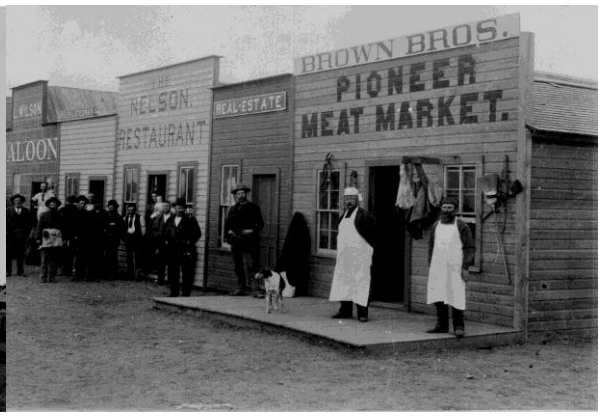


(Top) This photo is representative of early Payson's lifeline – the freight wagon train

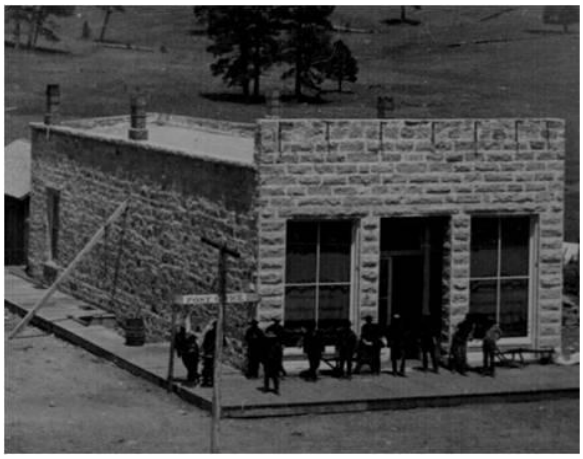
Today, numerous events and celebrations continue the tradition of community gatherings on Payson's "Main Street"

Appendix D

Architectural Character

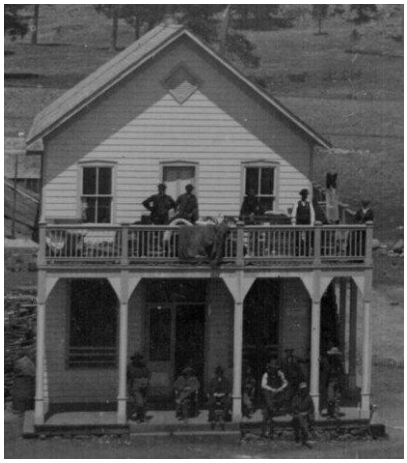


Boom Town Fronts, Materials & Grammar reflecting the "Pioneer Look"



Appendix D

Architectural Character-Covered Walkways



Appendix D

Pre 1930's Main Street Payson

Appendix D

Examples of Preferred Storefront:

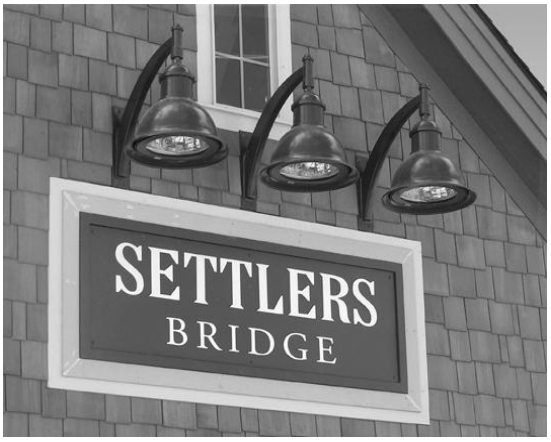
(i.e. Windows & Doors 50% Glass)

Appendix D

Signage

Appendix D

Lighting Fixtures



Appendix D

Recent Renovations

Appendix D

New Construction

15-02-015 Airport Overlay District

A. Purpose and Intent

The purpose of the Airport Overlay Zone (AO) is to protect the public health and safety in the area of an airport by minimizing exposure to crash hazards and high noise levels that may be generated by the operations of an airport and to encourage future compatible development for the continued operation of the airport.

B. Airport Zones

The zones in this section include all of the land lying beneath the approach surfaces, transitional surfaces, horizontal surfaces, and conical surfaces as they apply to the Payson Municipal Airport. These zones are shown on Payson Zoning map consisting of two sheets, prepared by the Town, dated June 1990. An area located in more than one of the following zones is considered to be only in the zone with the more restrictive height limitation. The various zones are hereby established and defined as follows:

1. Utility Runway Visual Approach Zone - The inner edge of this approach zone coincides with the width of the primary surface and is 250 feet wide. The approach zone expands outward uniformly to a width of 1,250 feet at a horizontal distance of 5,000 feet from the primary surface. Its centerline is the continuation of the centerline of the runway.
2. Utility Runway Non-Precision Instrument Approach Zone - The inner edge of this approach zone coincides with the width of the primary surface and is 500 feet wide. The approach zone expands outward uniformly to a width of 2,000 feet at a horizontal distance 5,000 feet from the primary surface. Its centerline is the continuation of the centerline of the runway.
3. Heliport Approach Zone - The inner edge of this approach zone coincides with the width of the primary surface and is 100 feet wide. The approach zone expands outward uniformly to a width of 500 feet at a horizontal distance of 4,000 feet from the primary surface.
4. Transitional Zones are the areas beneath the transitional surfaces.
5. Heliport Transitional Zones extend outward from the sides of the primary surface and the heliport approach zones a horizontal distance of 250 feet from the primary surface centerline and the heliport approach zone centerline.
6. The Horizontal Zone is established by swinging arcs of 5,000 feet radii from the center of each end of the primary surface of each runway and connecting the adjacent arcs by drawing lines tangent to those arcs. The horizontal zone does not include the approach and transitional zones.
7. The Conical Zone is established as the area that commences at the periphery of the horizontal zone and extends outward there from a horizontal distance of 4,000 feet.

C. Airport Zone Height Limitations

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:

1. <u>Utility Runway Visual Approach Zone</u> - Slopes 20 feet outward for each foot upward beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of 5,000 feet along the extended runway centerline.

2. Utility Runway Non-Precision Instrument Approach Zone - Slopes 20 feet outward for each foot upward beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of 5,000 feet along the extended runway centerline.
3. Heliport Approach Zone - Slopes eight feet outward for each foot upward beginning at the end of and at the same elevation as the primary surface and extending to a distance of 4,000 feet along the heliport approach zone centerline.
4. Transitional Zones - Slope seven feet outward for each foot upward beginning at the sides of and at the same elevation as the primary surface and the approach surface, and extending to a height of 150 feet above the airport elevation, 5,307 feet above mean sea level. In addition, height limits shall include sloping seven feet outward for each foot upward beginning at the sides of and at the same elevation as the approach surface, extending to where they intersect the conical surface. Where the precision instrument runway approach zone projects beyond the conical zone, height limits shall include sloping seven feet outward for each foot upward, beginning at the sides of and at the same elevation as the approach surface and extending a horizontal distance of 5,000 feet measured at 90 degree angles to the extended runway centerline.
5. Heliport Transitional Zones - Slope two feet outward for each foot upward beginning at the sides of and at the same elevation as primary surface and heliport approach zones, extending a distance of 250 feet measured horizontally from and at 90 degree angles to the primary surface centerline and heliport approach zones centerline.
6. Horizontal Zone - Established at 150 feet above the airport elevation or at a height of 5,307 feet above mean sea level.
7. Conical Zone - Slopes 20 feet outward for each foot upward beginning at the periphery of the horizontal zone and at 150 feet above the airport elevation and extending to a height of 350 feet above the airport elevation.
8. 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.

D. Use Restrictions

No use may be made of land within any zone established by this section in such a manner as to create electrical interference with navigational signals or radio communication between the airport and aircraft, make it difficult for pilots to distinguish between airport lights and others, result in glare in the eyes of pilots using the airport, impair visibility in the vicinity of the airport, increase probability of bird strike hazards, or otherwise in any way endanger or interfere with the landing, takeoff, or maneuvering of aircraft intending to use the airport.

E. Nonconforming Uses

1. The provisions of this section shall not be construed to require the removal, lowering, or other change or alteration of any structure or tree not conforming to these regulations as of the effective date of this Code, or otherwise interfere with the continuance of legally existing nonconforming use.
2. Marking and Lighting - Notwithstanding the preceding provision of this Section, the owner of any existing nonconforming structure or tree shall be required to permit the installation, operation, and maintenance of markers and lights as deemed necessary by the Airport

Manager to indicate to the operators of aircraft in the vicinity of the airport the presence of such airport obstruction. Such markers and lights shall be installed, operated, and maintained at the expense of the Town.

F. Administration

Lots Divided by Special Use Airport Zone Boundary: Whenever a lot of record is divided by an Airport boundary, the development shall conform to the land use and height restrictions contained in this Code.

G. Permits

1. No material change shall be made in the use of land, no structure shall be erected or otherwise established, and no tree shall be planted in any zone designated in this section, unless a special permit has been granted by the Town, unless otherwise provided for in this section. Each application for a special permit shall indicate the purpose for the use and how it will comply with this code.
   a. In the area between the horizontal and conical zones, a special permit shall not be required for the placement of any tree or structure less than 75 feet of vertical height above the ground, except when, such tree or structure would extend above the height limits prescribed for such zones.
   b. In areas lying within the limits of the approach zones, but at a horizontal distance of not less than 4,200 feet from each end of the runway, a special permit shall not be required for any tree or structure less than 75 feet of vertical height above the ground, except when such tree or structure would extend above the height limit prescribed for such approach zones.
   c. In the areas lying within the limits of the transition zones beyond the perimeter of the horizontal zone, a special permit shall not be required for any tree or structure less than 75 feet of vertical height above the ground, except when such tree or structure, would extend above the height limit prescribed for such transition zones.
2. Existing Uses - No special permit shall be granted that would allow the establishment or creation of an obstruction or permit a nonconforming use, structure, or tree to become a greater hazard to air navigation than it was on the effective date of this Code.
3. Nonconforming Uses Abandoned or Destroyed - Whenever the Zoning Administrator determines that a nonconforming tree or structure has been abandoned or more than 50 percent torn down, physically deteriorated, or decayed, no permit shall be granted that would allow such structure or tree to exceed the applicable height limit or otherwise deviate from this Code.
4. Variances - The application for variance in an Airport Overlay District shall be accompanied by a determination from the Federal Aviation Administration as to the effect of the proposal on the operation of air navigation facilities and the safe, efficient use of navigable airspace. Such variances shall be allowed where it is duly found that a literal application or enforcement of the regulations will result in unnecessary hardship and relief granted, will not be contrary to the public interest, will not create a hazard to air navigation, will do substantial justice, and will be in accordance with the spirit of this Code. Additionally, no application for variance to the requirements of this Code may be considered by the Board of Adjustment unless a copy of the application has been furnished to the Airport Manager for advice as to the aeronautical effects of the variance. If the Airport Manager does not respond to the

application within 15 days after receipt, the Board of Adjustment may act on its own to grant or deny said application.

5. Obstruction Marking and Lighting - Any permit or variance granted may, if such action is deemed advisable to effectuate the purpose of this Code and be reasonable in the circumstances, be so conditioned as to require the owner of the structure or tree in question to install, operate, and maintain, at the owner's expense, such markings and lights as may be necessary. If deemed proper by the Board of Adjustment, this condition may be modified to require the owner to permit the Town at its own expense, to install, operate, and maintain the necessary markings and lights.

15-02-016 Educational Facilities District (EF)

A. Purpose and Intent: The Educational Facilities District is intended to permit, protect, and facilitate the construction and use of Educational Facilities and Educational Ancillary Facilities.

B. Definitions:

1. Educational Facilities means any of the following that are for use by school districts, charter schools, private schools, colleges, universities, and other education providers. Educational Facilities may be owned by governmental or private entities.
   a. classrooms
   b. educational administrative facilities and offices
   c. educational support facilities
   d. student housing
   e. research facilities
   f. structures or other facilities for the utilization of renewable resources
   g. conference centers
   h. public transportation
   i. athletic facilities
   j. parking lots and structures
   k. public parks, open space, and/or plaza's; and
   l. any other facility used primarily for, or to support, education
2. Educational Ancillary Facilities means uses not directly for or supporting education, but which complement or are compatible with Educational Facilities and are located within an Educational Facilities Site.
3. Educational Facilities Site means the property on which Educational Facilities and Educational Ancillary Facilities are located. Such Site may contain multiple individual parcels if the development of such individual parcels is governed by one Development Plan.

C. Educational Facilities District Permitted Uses:

1. Educational Facilities shall be permitted.
2. Educational Ancillary Facilities that are subsidiary or auxiliary to Educational Facilities shall be permitted.

D. Educational Facilities Development Standards:

1. A Development Plan, in accordance with 15-09-008, shall be submitted with the rezoning application.
2. All development shall be in accordance with the adopted rezoning ordinance.