Town of Payson
Unified Development Code
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Town of Payson
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Section 15-01

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Adopted
By Ordinance #466
February 22, 1996
Updated June 1, 2011

This Unified Development Code and/or any other documents that appear in this version of the UDC may not reflect the most current legislation adopted by the Municipality. Any updates or revisions can be found on the Town's website as they become available.

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15-01 TITLE, PURPOSE, AND GENERAL PROVISIONS

This ordinance shall be referred to as the "Town of Payson Unified Development Code" (Code). Relating to municipal planning, zoning and subdivision, this Code provides for a Community Development Director, Zoning Administrator, Public Works Director, Planning and Zoning Commission, and Board of Adjustment; prescribes their powers and duties; establishes official regulations, and provides for enforcement and appeals.

The purpose of this Code is to protect public health, safety and general welfare by establishing guidelines to promote and maintain a coordinated and harmonious environment for future growth, and to implement the "Town of Payson Master Plan."

The provisions of this Code, unless otherwise specified, shall be applied at a minimum to prevent public nuisances; assure public safety from fire, panic, and other dangers; provide adequate light and air; prevent overcrowding of land; prevent undue congestion; preserve community character; conserve existing landscape and native vegetation and minimize scarring of hillsides; minimize adverse impacts from soil erosion & rock falls; facilitate adequate transportation, water, sewage, drainage, schools, parks, air quality, and other public services; and maintain stable values of property, and to conserve local water resources.

15-01-001 Authority

The Unified Development Code is adopted pursuant to the authority granted to local jurisdictions in Section 9 - 400 et. seq. of the Arizona Revised Statutes. This Code is designed to treat in one unified text those areas of regulation more typically dealt with in separate zoning and subdivision ordinances and related chapters of the Town Municipal Code.

15-01-002 Relationship to Master Plan

The Unified Development Code is a primary tool for the implementation of the Town of Payson Master Plan and Land Use Plan, and the planning policies adopted by the Council.

15-01-003 Applicability

All buildings, structures, uses of land and appurtenant structures, subdivisions, and minor land divisions within the incorporated limits of the Town shall be subject to the provisions of this Code.

15-01-004 Severability

If any article, section, subsection, sentence, phrase or word is, for any reason, held to be un-constitutional, such holding shall not affect the validity of the remaining portions of this Code.

Town of Payson
Unified Development Code
Section 15-02

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15-02 ZONING DISTRICTS

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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

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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

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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.
   e. Railroad cars, tractor trailer units, shipping containers or any other mobile storage units shall not be used as a primary or accessory structure in any zoning district except the Industrial Districts, where these units may be used as accessory structures.
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.

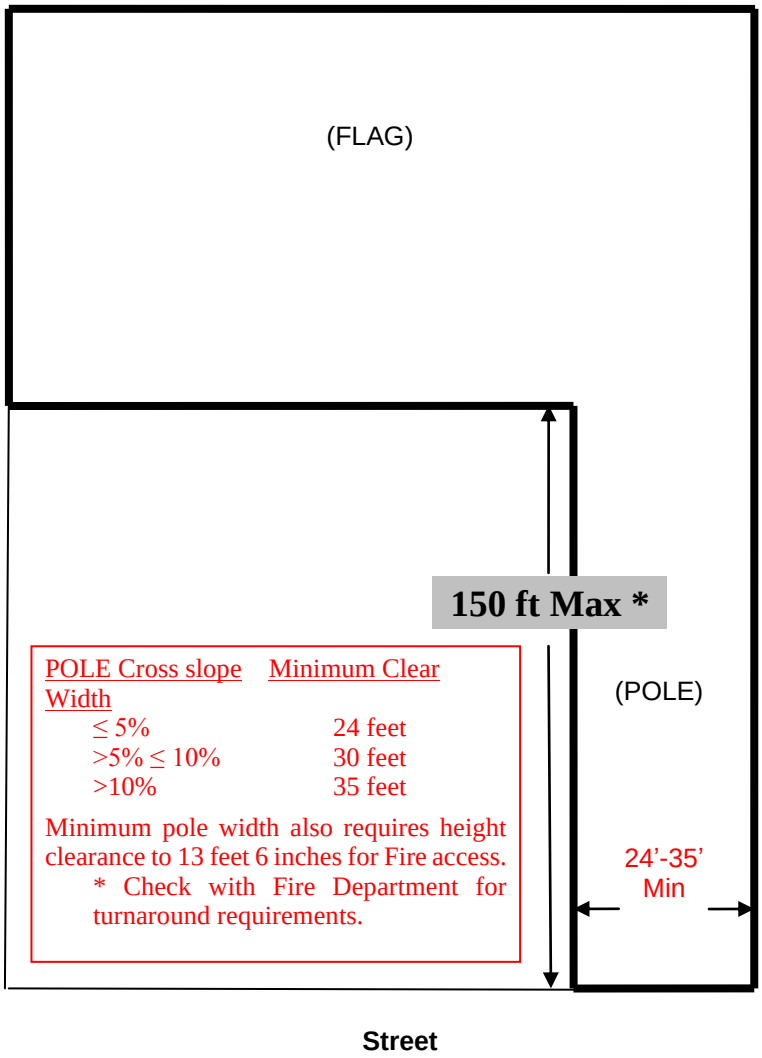
e. Substandard Lots - Any lot originally platted in a legal manner according to existing development standards, yet does not meet the current dimension or area standards defined for the zone or district in which it is located, shall be considered a legal lot.

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

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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

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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

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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.
2. Upon commencement of any non-residential use, a solid, continuously opaque, masonry wall of 6 feet minimum 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.
3. All parking and signage shall comply with Section 15-04 and 15-06 of this Code.
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.
5. Prior to development of any multi-family of four units or more or non-residential project, a development master plan shall be submitted to the Community Development Department for review; master development plans shall be prepared in compliance with the materials and information required in Section 15-02-007.E for Planned Area Developments.

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 sizes of lots, units, yard setbacks and space between buildings, and percent of lot coverage under roof; and establishes the standard for required connection to public water and sewer systems.

Table of Industrial Lot Development Standards

District [1]	Minimum Lot Size			Max Lot Cover	Minimum Yard Setback				Min Space Between Buildings	Public Water, Sewer Required [3]
	Area (sq. ft.)	Width	Depth		Front	Rear [2]	Side [2]	Strt Side		
M-1	22,000	110'	150'	50%	20'	30'	30'	20'	10'	YES
M-2	22,000	110'	150'	50%	20'	30'	30'	20'	10'	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.

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

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

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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)

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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)

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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)

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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

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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

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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

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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

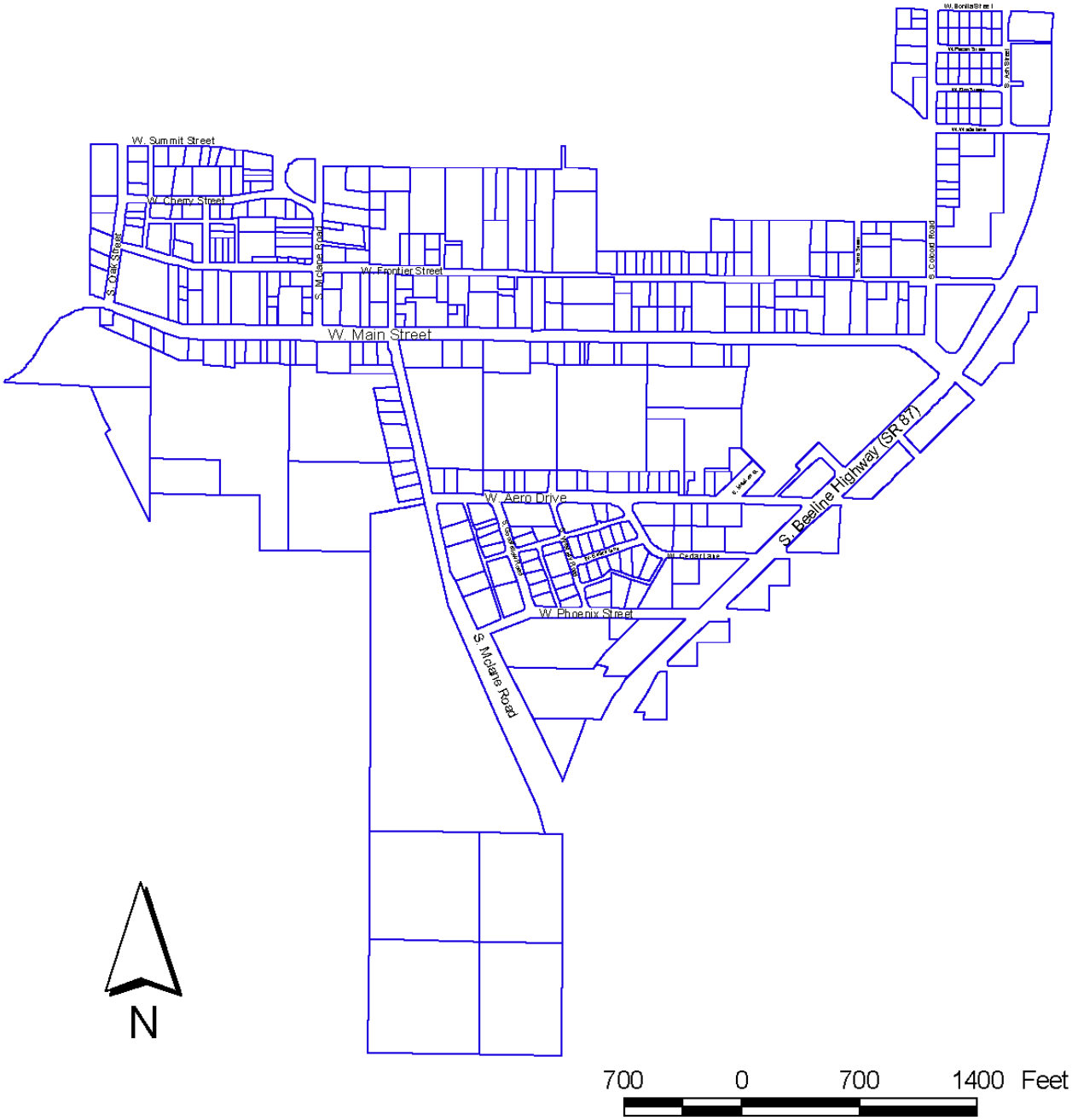
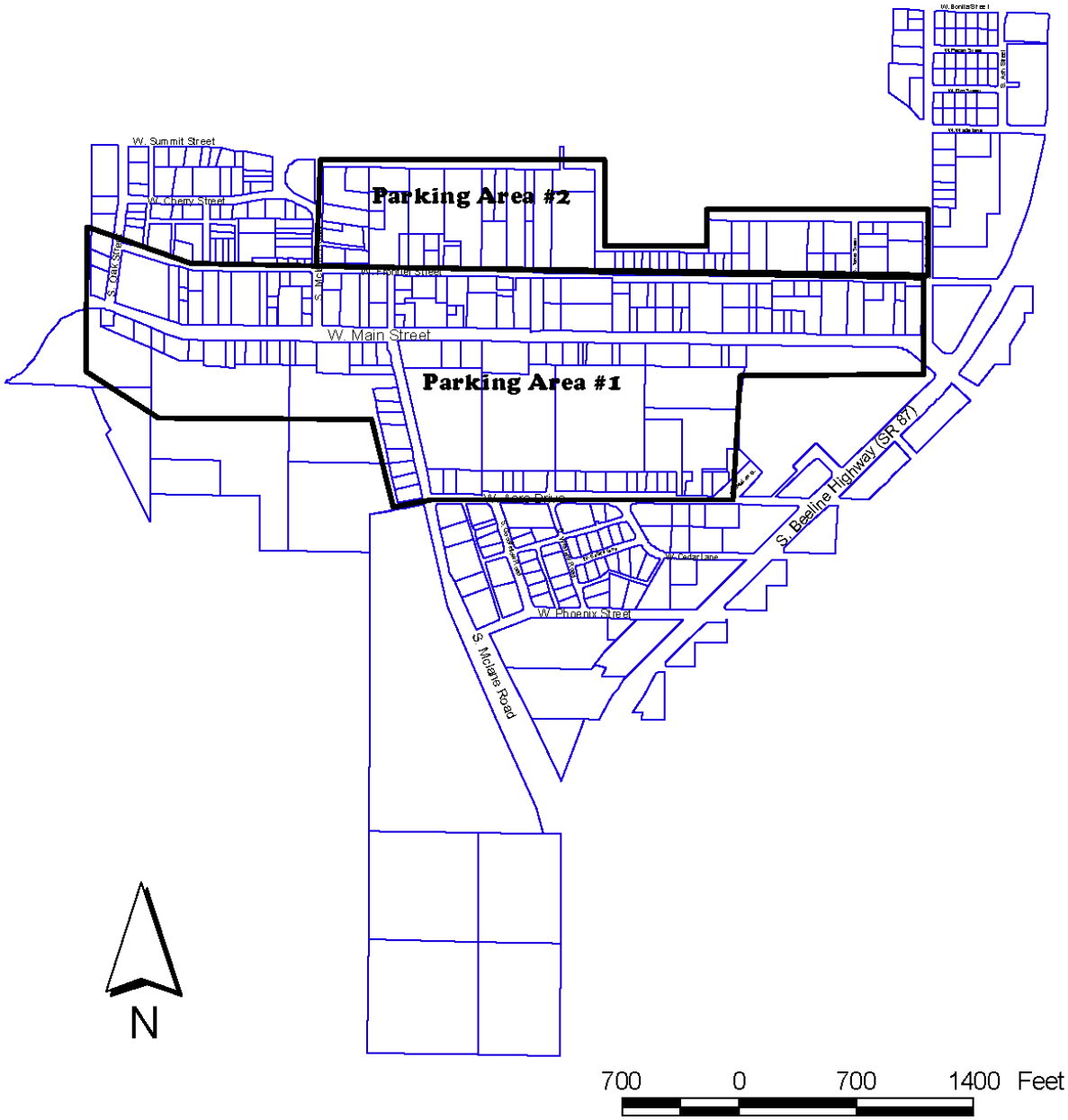


Exhibit #2

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.

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PART I

A. Purpose & Intent

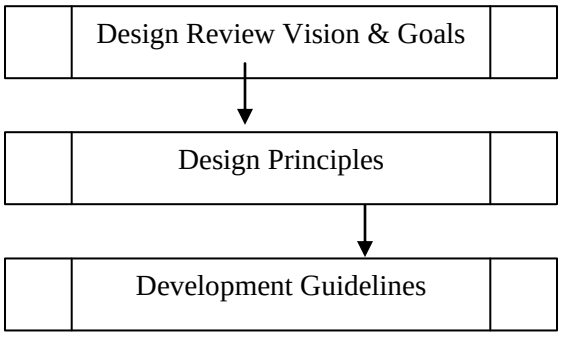
1. The purpose of Design Review is to encourage:
    a. Preservation and enhancement of property values;
    b. Enhancement of public safety;
    c. Promotion of pedestrian safety and comfort;
    d. Preservation of natural landscaping and significant natural features;
    e. Preservation of our quality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

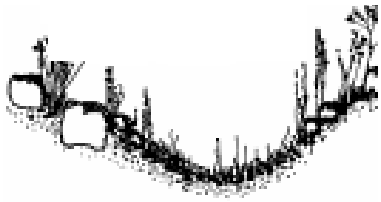
On painted structures, contrast between trim and body colors is encouraged.

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

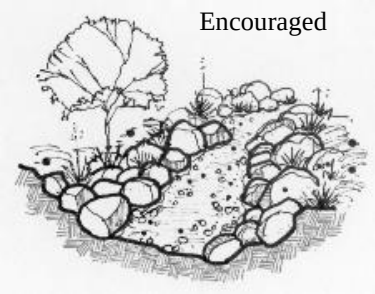
Franchise businesses may need to modify corporate prototypes to fit the character of Payson.

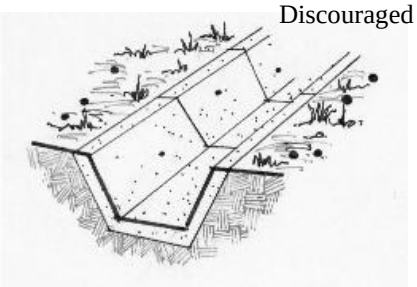
The use of good site planning and design, landscape architecture and civil engineering that enhances the existing and future appearance of development areas is highly valued.

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.



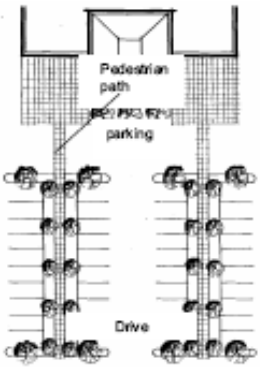
Areas for retention or detention should maintain existing native plants on the site and be landscaped with appropriate materials and integrated into the overall design and layout of the development.

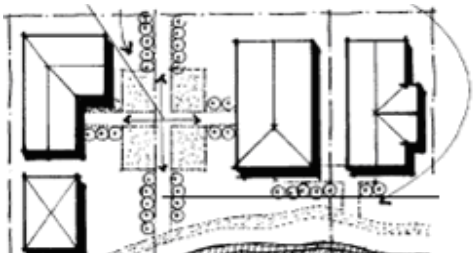


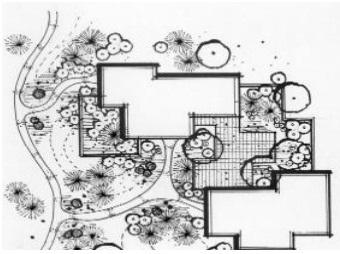


A strong pedestrian connection should be provided from the building to public walkways, and area wide Payson Area Trails System, where applicable.

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





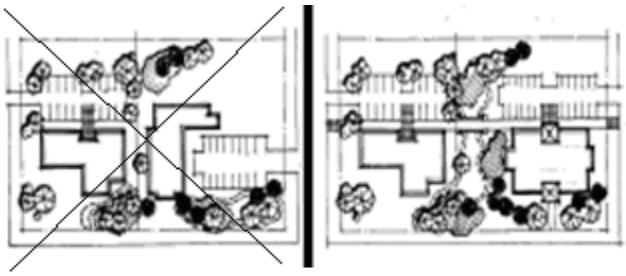


The pedestrian ways shown (left) link adjacent developments and connect to public trails and walkways.

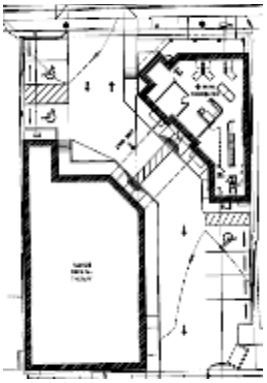
Meandering sidewalks are preferred over rigid, straight alignments.

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

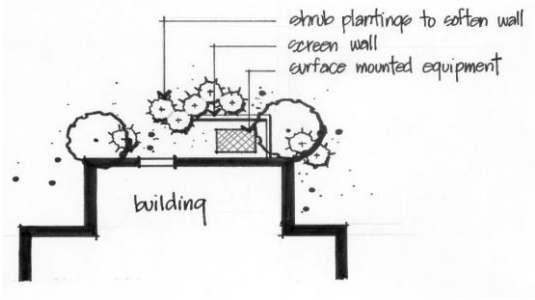


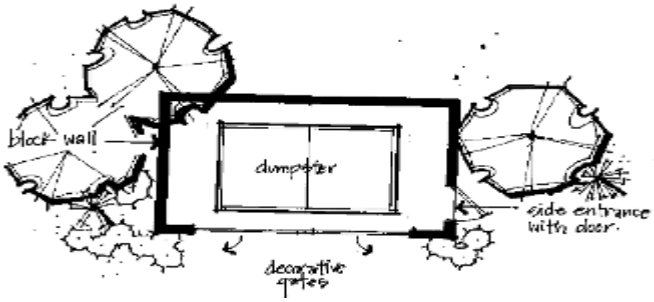
Lots shown (above) have coordinated their layout to maintain continuity of parking areas and building orientation, and also to create more significant natural areas.

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.

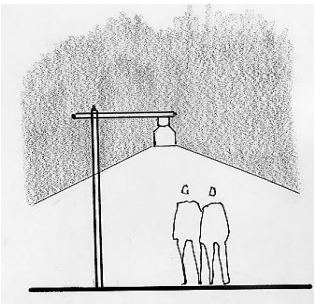
Mechanical equipment, loading/unloading areas and utility areas should be screened and located in an area of the site not readily viewed by the public.





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.

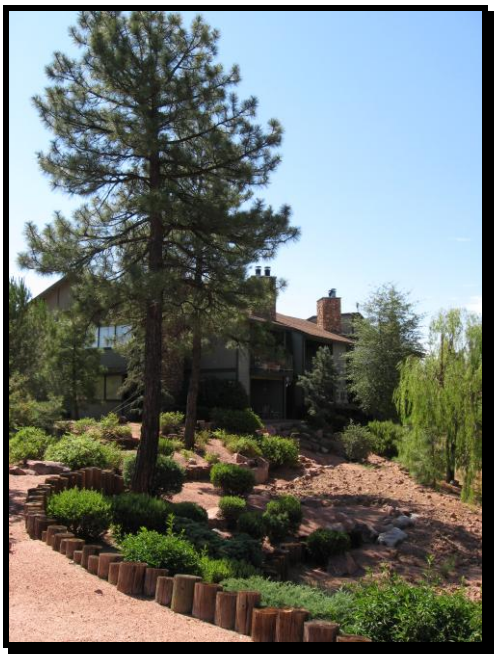


Carriage fixtures that are fully shielded (bulb is located in the upper housing element of the fixture) may be used.

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>

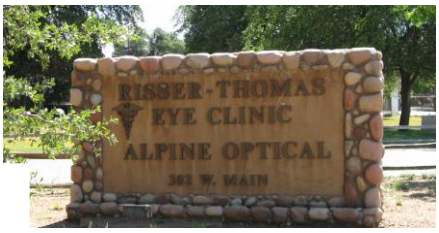
Signs are a means of communication for the convenience of the public. To make them effective; over concentration, improper placement, and excessive size should be avoided.

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.

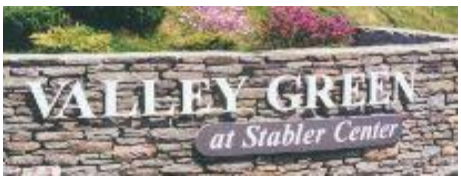
This sign is architecturally integrated with the building through the use of repeating materials, dark-sky compliant through the use of lights recessed under the sign roof, and landscaped appropriately.

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.

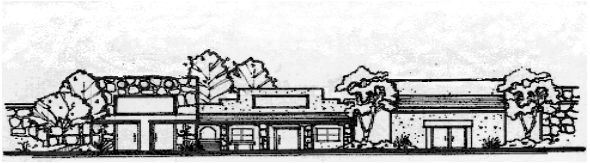
3. Failure to maintain compliance with the requirements of section 15-02-014 shall be subject to enforcement action in accordance with Section 15-10.

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.

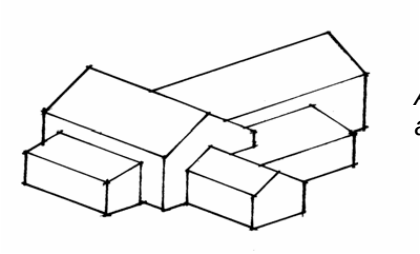


Encouraged

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

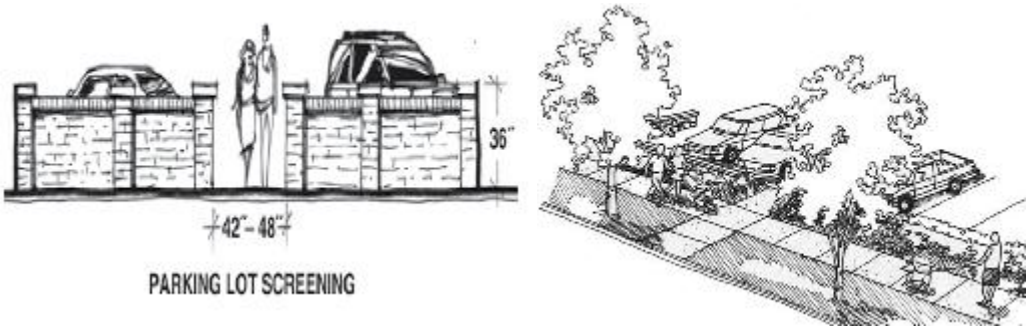
7. Landscaping
    a. Existing natural landscaping shall be preserved wherever possible, including existing native vegetation in building front, side and rear yard setbacks.
    b. Natural on site rock outcrops and boulders shall be retained, preserved and augmented where feasible.
    c. Any site area 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.

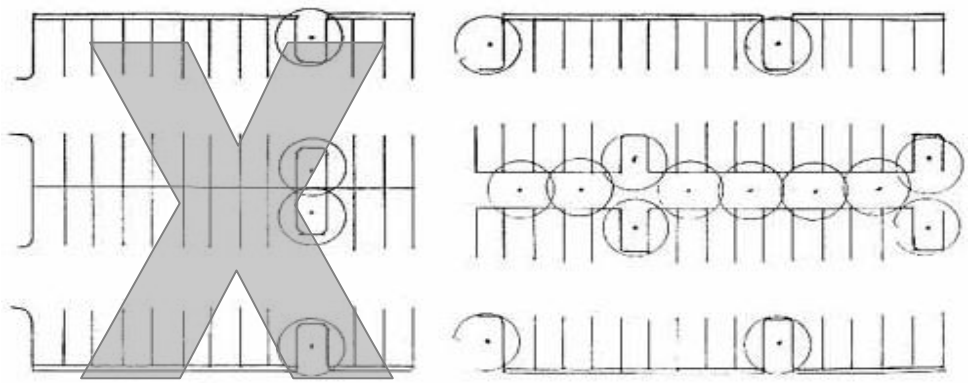
8. Lighting
   a. "Dark Sky", full-cutoff fixtures that shield the source of illumination are required.

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.



   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.

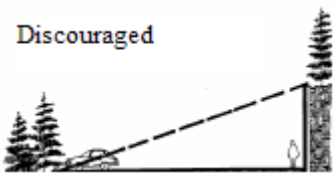


Unacceptable Acceptable landscaping between opposing rows of parked cars

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.

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

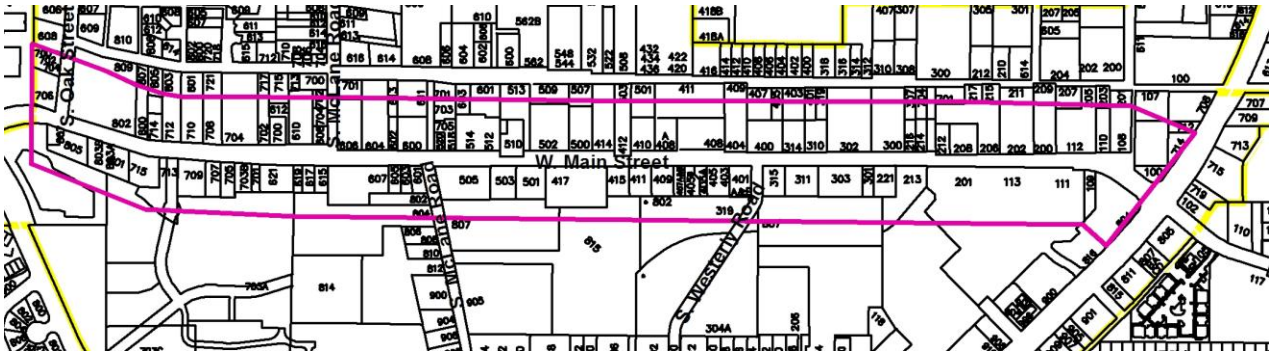
In addition to the provisions of Part IV, subsection A, all development located within the front 200 feet of all lots fronting on W. Main Street from Oak Street to Highway 87 shall be subject to the provisions of this subsection D. (see diagram below)

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."



Architectural Character

Historic Main Street Design Review Area

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, 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 V, 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 V, 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.

PART V

Cross References

Landscaping and Buffering, U.D.C. Section 15-03

Landscaping and Tree Preservation, Town of Payson Code of Ordinances Title XV, Chapter 153

Parking and Loading, U.D.C. Section 15-04

Signs, U.D.C. Section 15-05

Grading & Drainage, Town of Payson Code of Ordinances Title XV, Chapter 152

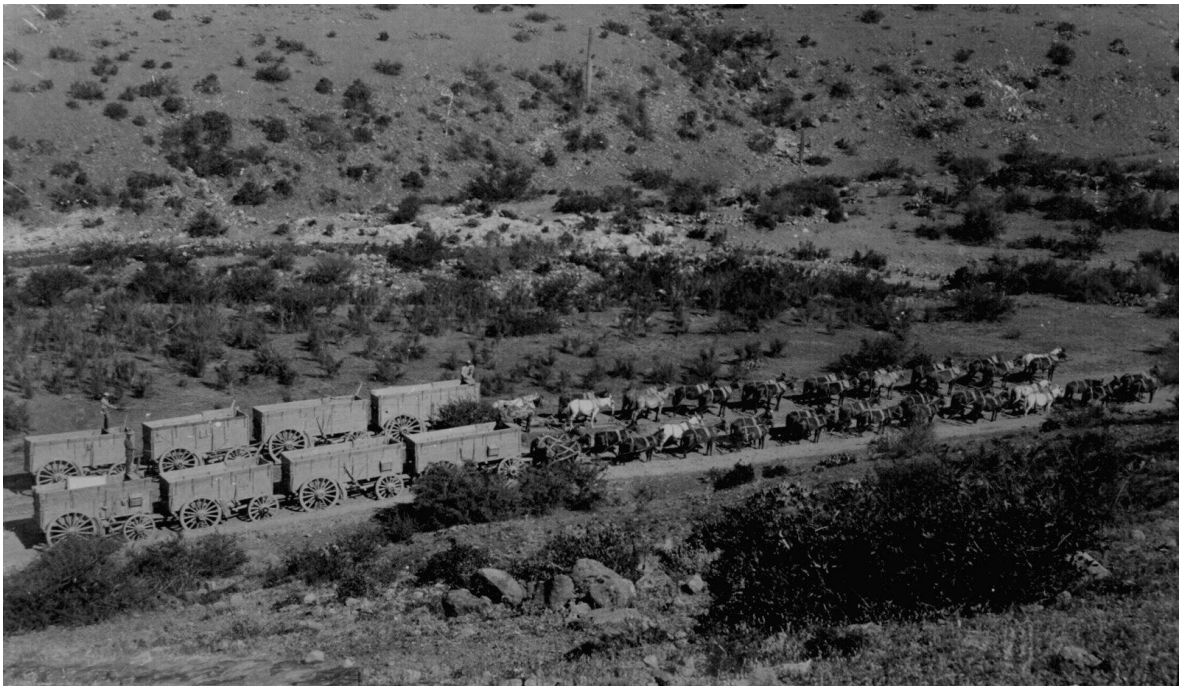
Town of Payson Native & Low Water Use Plant List

Appendix D

Back to Top

Historic "Main Street"

Payson

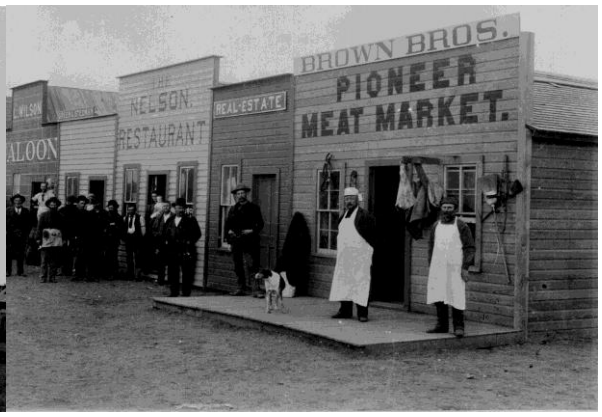


(Top) This photo is representative of early Payson's lifeline – the freight wagon train

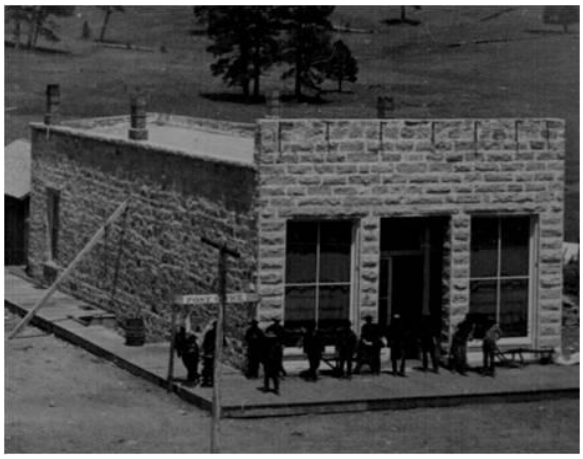
Today, numerous events and celebrations continue the tradition of community gatherings on Payson's "Main Street"

Appendix D

Architectural Character

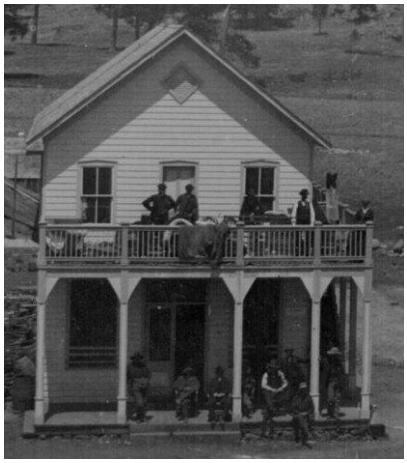


Boom Town Fronts, Materials & Grammar reflecting the "Pioneer Look"



Appendix D

Architectural Character-Covered Walkways



Appendix D

Pre 1930's Main Street Payson

Appendix D

Examples of Preferred Storefront:

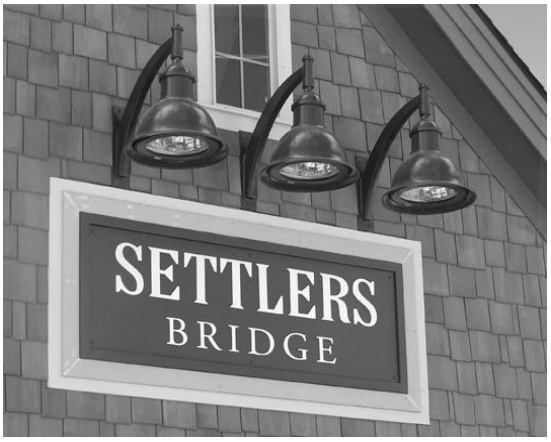
(i.e. Windows & Doors 50% Glass)

Appendix D

Signage

Appendix D

Lighting Fixtures



Appendix D

Recent Renovations

Appendix D

New Construction

15-02-015 Airport Overlay District

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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)

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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.

Town of Payson
Unified Development Code
Section 15-03

SECTION	TITLE	PAGE
15-03	**LANDSCAPING, SCREENING, LIGHTING, AND BUFFERING**	
15-03-001	Purpose and Intent	2
15-03-002	General Requirements	2
15-03-003	Tree Preservation	14
15-03-004	Removal or Cutting of Native Trees	16
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Adopted
By Ordinance #466
February 22, 1996
Updated June 1, 2011

This Unified Development Code and/or any other documents that appear in this version of the UDC may not reflect the most current legislation adopted by the Municipality. Any updates or revisions can be found on the Town's website as they become available.

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15-03 LANDSCAPING, SCREENING, BUFFERING and LIGHTING

15-03-001 PURPOSE & APPLICABILITY

A. PURPOSE & INTENT

The purpose and intent of this section is to establish regulations to preserve and augment existing vegetation and trees, including the natural topography and any rock/boulder formations. Installation and maintenance of new landscaping shall be according to recognized xeriscape principles and Town of Payson requirements. Maintain existing and new landscaping in a living condition. It is the intent through this section to accomplish the following:

1. To protect the natural environment and preserve and enhance the mountain Ponderosa pine forest character of Payson, Arizona;
2. Reduce air pollution and soil erosion by sustainable design practices;
3. Preserve and create natural open spaces;
4. Buffer adjacent parcels of land zoned for different uses or the same uses to maintain quality of life; (see chart titled Screening and Buffering 15-03-002.E)
5. Assist in groundwater recharge;
6. Conservation of the natural aesthetic environment of this mountain community;
7. Conservation of water; and
8. To the extent feasible, promote and provide for the installation of the Town of Payson's official Town Tree, the Ponderosa pine.

B. APPLICABILITY

Provisions of this section shall be applicable to all the following:

1. All development of any kind, including residential subdivisions, multifamily, commercial, industrial, and public facilities. Single family, two or three family residential units (e.g. duplexes and triplexes) are exempted from subsection 15-03-002 and 15-03-003.
2. Expansion of, alteration of or change to an existing development. A building permit will not be issued for the expansion of a commercial, industrial, public facility or multi-family development that is not in full compliance with the provisions of this Section 15-03.
3. All additional landscaping shall conform to the requirements of this Section 15-03.
4. Any change in the use or occupancy of an existing building, buildings, or land shall conform to the requirements of this section.

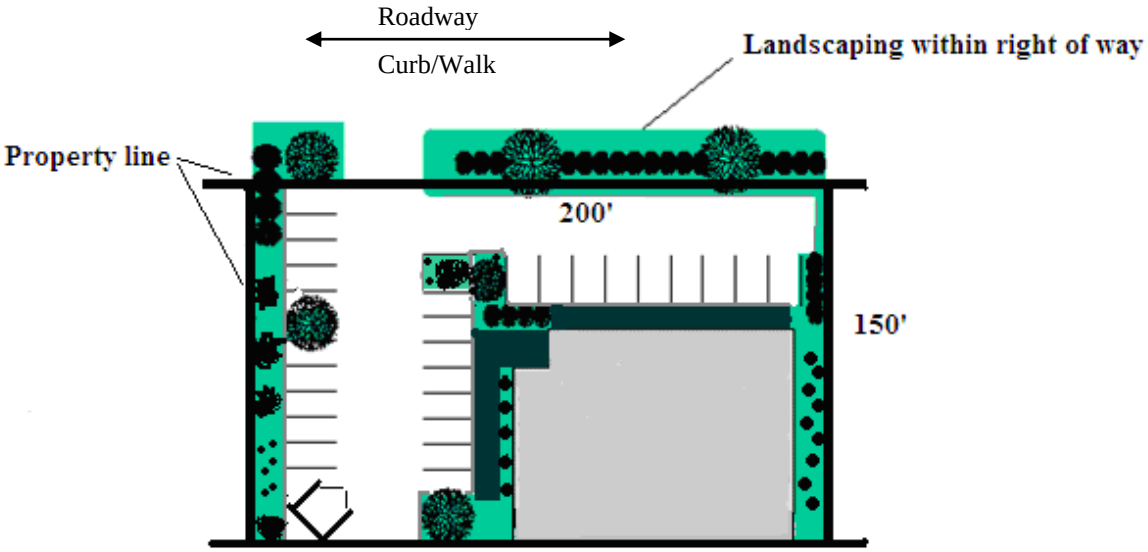
15-03-002 LANDSCAPING

A. GENERAL REQUIREMENTS

1. The following minimum percentages of a site shall be devoted to landscaping:

Residential	20%
Commercial	20%
Industrial	15%

2. Adjacent public right-of-way, between the property line and the nearest point of the existing or proposed street improvements including sidewalks, may be landscaped and may be used to satisfy, to the extent provided, the minimum required site landscaping. The resulting landscaped area, on both public and private property, shall be a minimum of five feet wide. Landscaping within the public rights-of-way shall be completed in accordance with any adopted streetscape or special area plan if applicable and shall receive approval from the Community Development and Public Works Departments.



3. To protect landscape materials and prevent vehicular encroachment, all landscaped areas located within or adjacent to a parking area, walkway, driveway or roadway shall be contained within continuous concrete curbing, anchored railroad ties, or other approved means at least six inches in height. Curb cuts or similar drainage pathways shall be integrated into the overall design of the site and based upon sound engineering principles as shown in the photo below.

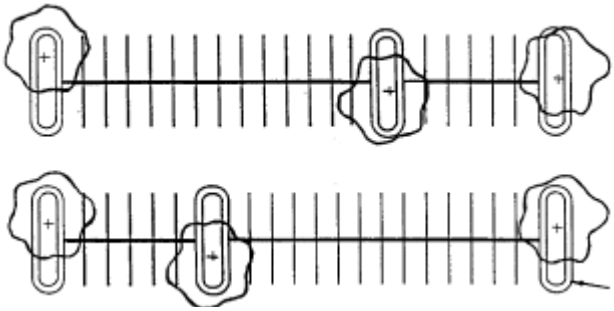
Photo of parking lot with landscape islands protected by curbing that help to encourage re-absorption of water on the site.

(Courtesy of Prince George's County, MD)

4. Parking, buildings and display of equipment or vehicles is not permitted within required landscape areas.

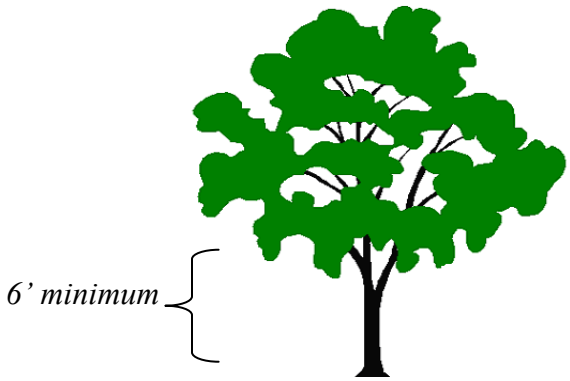
5. Parking areas of more than 20 spaces shall provide landscaped traffic islands within the parking lot interior that total a minimum of 5% of the paved area. Each separate landscaped island within the parking area shall contain a minimum of 50 square feet if

hardscape and 100 square feet if non-hardscape landscaping is used and shall have a minimum dimension of five feet, not including curbs.



Planter within parking area, 5' minimum width, inside of continuous concrete curb

To ensure that landscape materials do not constitute a driving hazard, trees used to landscape parking islands shall have a clear trunk height of six feet; shrubs, groundcover or other landscaping materials shall not exceed three feet in height. The landscaped area within these planters may not be used to satisfy the total minimum landscaped coverage requirements.



6. Artificial trees, shrubs, turf or plants shall not be used to satisfy the minimum square footage requirements for landscaping.

7. A minimum of 30% living groundcover shall be provided within the total required landscaped area. The remaining required landscaped area may be finished with a non-living groundcover material which does not use water and may include bark, river rock, decomposed granite or mulch to help prevent evaporation. Art and other non-plant materials such as rock formations and boulders may also be used.

8. A permanent, on-site, drip irrigation system that provides complete coverage to all new and existing landscaping and landscaped areas is required and the system shall be approved by the Town of Payson Water Department.

9. New vegetation shall be selected, planted and maintained so that at maturity it will not interfere with utility lines, vehicular parking, pedestrian circulation, traffic sight visibility at driveways, and street intersections as set forth here and will not influence potential damage to, or upheaval of public sidewalks and pavement.

10. Any part of a site not used for buildings, parking, driveways, sidewalks, utility and approved storage areas shall be preserved in its natural state or landscaped.

11. All plant material used for landscaping shall be selected from the *Town of Payson Water Department Native and* Low Water Use Plant List in Development Bulletin 15-1.

12. Plants not listed on the Town of Payson Water Department Native and Low Water Plant List may be used as follows:

    a. Existing Plants. Existing trees and shrubs should be preserved and incorporated into the landscaped areas.

b. Playing areas of a golf course (with the use of reclaimed water).

c. Species not listed on the Town of Payson Water Department Native and Low Water Plant List may be substituted, subject to approval of the Town of Payson Water Department.

B. INSTALLATION OF LANDSCAPING

1. Landscaping and watering devices shall be installed in accordance with the approved landscape plan prior to issuance of a certificate of occupancy or commencement of operations. The Town shall have the right to refuse to issue permits for any project not meeting the provisions of this chapter.

2. If approved landscaping and watering devices, except those lines that cross beneath hardscape, cannot be installed prior to occupancy or commencement of operations due to unforeseen circumstances, a conditional (temporary) certificate of occupancy may be requested by the applicant. The applicant shall complete the following:

   a. An acceptable form of surety accompanied by a complete estimate of the total cost of the approved landscaping and watering system improvements.

   b. Sign a conditional certificate of occupancy agreement.

   When it is determined that the landscaping and watering system have been installed in accordance with the approved plans, the Town will return the surety of the applicant.

C. LANDSCAPE PLAN SUBMITTAL & REVIEW

1. Landscape plans shall be submitted at the time of subdivision improvement plans, building or other plan review/permit application. Failure to provide landscape plans shall constitute an incomplete application.

2. Landscape plans submitted to the Town for review and possible approval for sites with over 5,000 square feet of total new landscaping, not including rights of way area, shall be prepared and sealed in accordance with the regulatory provisions of the State of Arizona Board of Technical Registration.

3. The Planning Division shall review the landscape plan for compliance with this section prior to issuance of a grading and/or building permit or if a grading or building permit is not required, prior to commencement of business operations. Any revision to the site plan, plat, or existing site layout may require a revised landscape plan, as determined by the Community Development Director or designated representative.

4. If a project is developed in phases, required landscaping and screening shall be completed in sequence with the approved development phases and shown as such on the landscape plan. (See 15-03-002.A.10)

5. Where landscaping of the public right-of-way adjacent to private property is proposed, approved and installed, the landscaping plan shall be accompanied by a recorded agreement warranting maintenance, releasing the Town from maintenance and replacement of all landscaping and irrigation in the public right-of-way and declaring the adjacent owner, heirs and assignees of the property responsible.

6. The following items shall be included on all landscape plans:

   a. Project name, address and tax parcel number;

b. Contact person and/or Designer's name, address, phone number and seal (when applicable);

c. Scale, north arrow. Minimum scale of plans shall be 1 inch = 30 feet;

d. Property lines, adjacent rights-of-way, building setbacks, building footprints, rooflines, parking lots, driveways, topography, easements, utilities and drainage structures;

e. Existing and proposed contours based on a topographic survey and proposed new grading plan;

f. A plant legend which includes plant names (common and botanical), sizes (height, caliper, gallon) and quantities;

g. Plant locations, on-site and in the public right-of-way (if applicable), corresponding to plant key;

h. Planting details (staking, soil mix, and the like) construction details, protection details;

i. Existing vegetation on the site with vegetation to be retained indicated;

j. Significant topographical features on the site (drainage, rock outcroppings, and the like);

k. Irrigation method and schedule;

l. If applicable, indicate proposed designated common and open space areas on the plan. Describe function and treatment of these areas;

m. Designate any design elements such as boulders, berms, signs, sculpture, etc.

n. Schedule of landscape area calculations and percent of living groundcover within landscape areas.

D. LANDSCAPING MAINTENANCE

1. Maintenance of all landscaping shall be the responsibility of the owner, lessee, heirs, assigns, agent, homeowners association or other liable entity of the property. Maintenance shall consist of regular watering, pruning, mowing, fertilizing, and the removal and replacement of any dead plants, the repair and replacement of irrigation systems as required, and maintenance of any architectural features. This shall include maintenance of any approved existing or new landscaping in the public rights-of-way. The responsible entity in control of any private premises shall at all times maintain the premises free of litter and weeds in accordance with the Town Code.

2. Dead materials shall be replaced within 30 days or as soon as feasible if delayed by inclement weather.

3. Future building pads within a phased development shall be landscaped with a dust-free, erosion resistant material.

E. SCREENING AND BUFFERING

1. Screening and buffering shall be installed in accordance with the Screening and Buffering Chart.

2. All walls installed within a front yard setback shall not exceed three feet in height.

3. Vegetation selected for screening shall be:

   a. a maximum of one foot less than the required screening height when planted; and

   b. a specimen that will reach the minimum height of required screen at maturity.

4. Earth berms or a combination of berm, landscaping, retaining walls, and fencing may be used to satisfy the screening requirement. Berms shall be designed to transition to existing grades, not to exceed a slope ratio of three to one (3:1) and shall be covered with plant material, boulders, ground cover or partially rip-rapped to prevent erosion. Berms with vegetation cover shall be designed to retain water rather than increase run-off.

5. On-site vegetation areas provided for screening may be used to satisfy, to the extent provided, the landscape coverage requirements.

SCREENING AND BUFFERING CHART

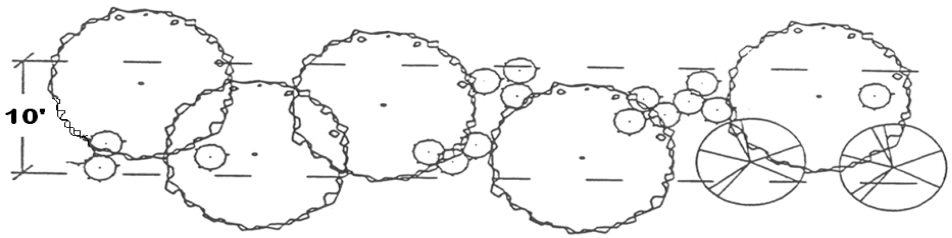
Adjacent Use → / Adjoining Zoning District ↓	Residential	Retail	Retail With Outdoor Activity	Office	Manufacturing and Industrial	All Others	Parking Areas
R1, R2, R3	C	B	A	C	A	TBD	C (Except R1)
C-1, C-2	A	C	B	C	A	TBD	C
C-3, M-1, M-2	A	A	B	A	C	TBD	B
Rights of Way	N/A	D	D	D	D	TBD	D
All Others	TBD	TBD	TBD	TBD	TBD	TBD	TBD

A	**Screen** -	Continuous planting of native coniferous trees and shrubs or a continuous masonry type wall that is architecturally compatible with the project aesthetic or an approved combination thereof for an opaque "screen" at a minimum initial height of 6'.
B	**Buffer/Screen** -	Intermittent planting of native coniferous trees and evergreen shrubs or an intermittent masonry type wall that is architecturally compatible with the project aesthetic for a 50% linear coverage at a minimum initial height of 6' to mitigate differing occupancy adjacencies and uses.
C	**Buffer** -	Natural planting of native coniferous trees and evergreen shrubs to mitigate adjacency impacts and different uses.
D	**Special Buffer-**	Trees, 12' minimum height at planting, no less than one every 30 lineal feet, evergreen shrubs not exceeding 36" at maturity, at least 24" in height at planting.
TBD	**To be determined-**	All other uses or zoning districts include separate levels of review (ie zoning permit application). When uses do not conform to the matrix, the type of screening or buffering required will be based upon the proposed layout and subject to review and approval by staff or other appointed body as applicable.

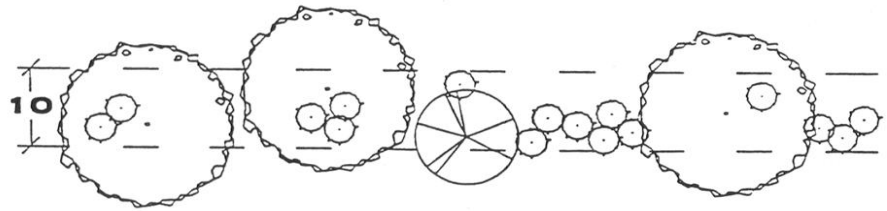
Note: All screening and buffering vegetation material shall be native coniferous/evergreen type.
See following pages for acceptable examples of screening and buffering requirements "A" through "D".

SCREENING & BUFFERING ILLUSTRATIVE EXAMPLES

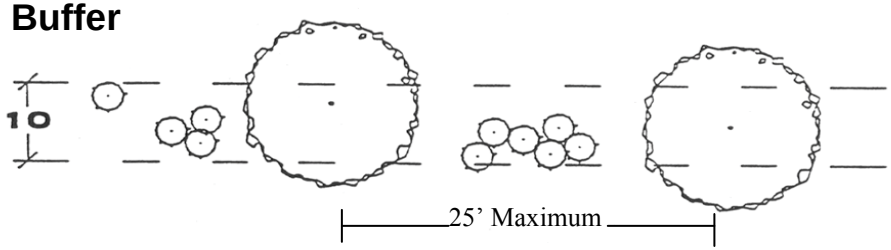
'A' Screen



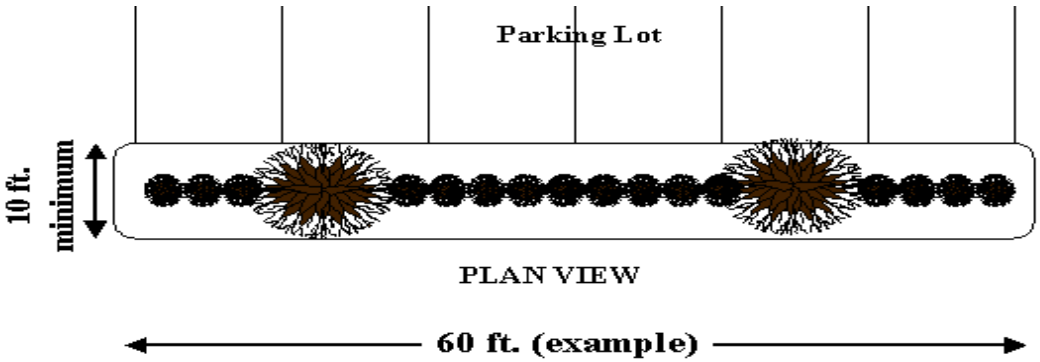
'B' Buffer/Screen

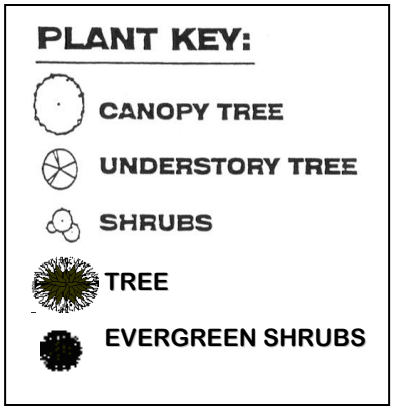


'C' Buffer



'D' Special Buffer





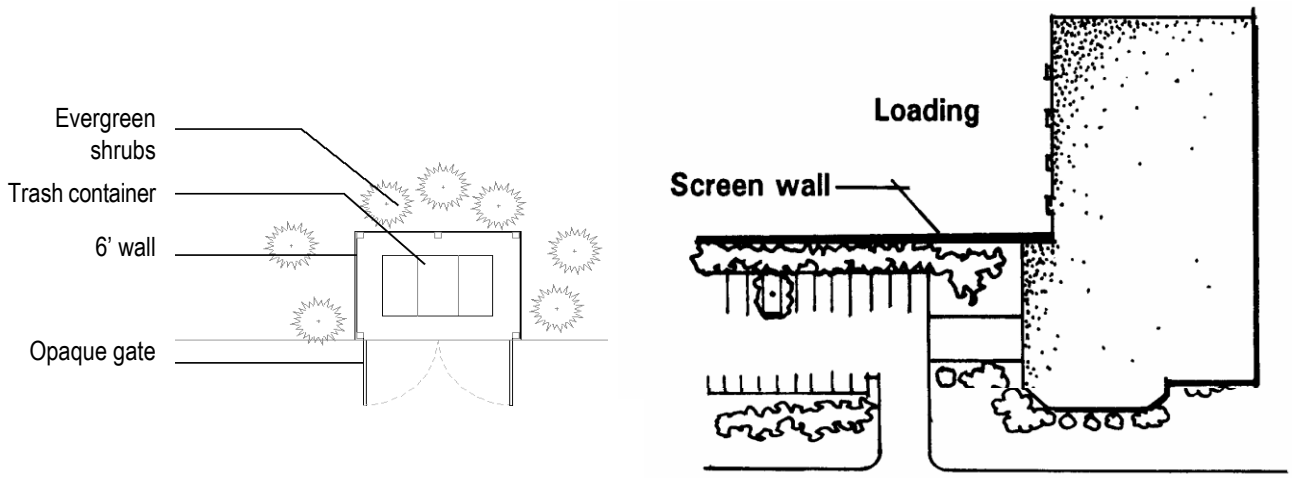
F. SITE CLEARANCE AND MAINTENANCE

1. No walls in excess of three feet in height shall be placed on any corner lot or at any driveway intersecting a street, within a “sight clearance triangle” formed by two curb, roadway or driveway lines. Where uncertainty exists, final determination will be made by the Town Engineer.

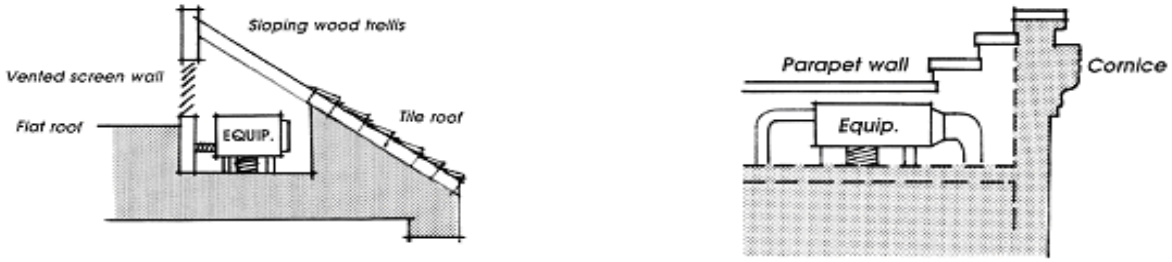
2. Screening walls shall be maintained both structurally and aesthetically; damage shall be repaired in 30 days unless delayed by exigent circumstances approved by the Community Development Director or his/her designee.

G. SCREENING OF OUTDOOR AREAS, EQUIPMENT AND LIGHTING

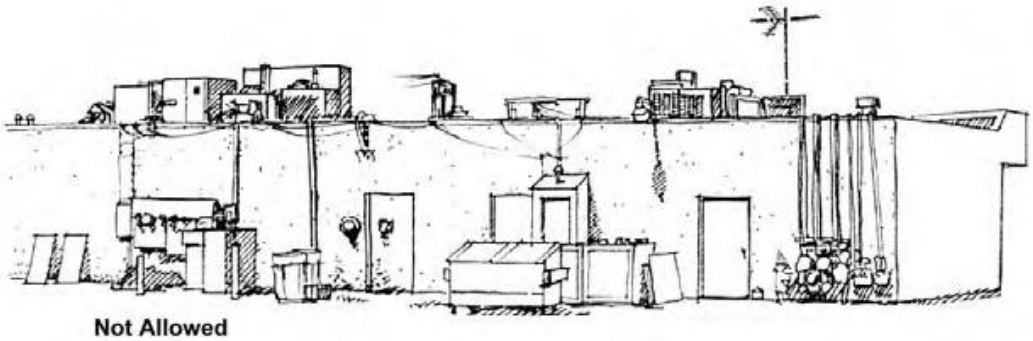
1. All outdoor storage, refuse, loading and unloading areas and service bays shall be screened by a wall at least 6 feet in height that is compatible with the architectural style and materials of the building, to adequately screen such areas and service bays from streets and adjoining property.



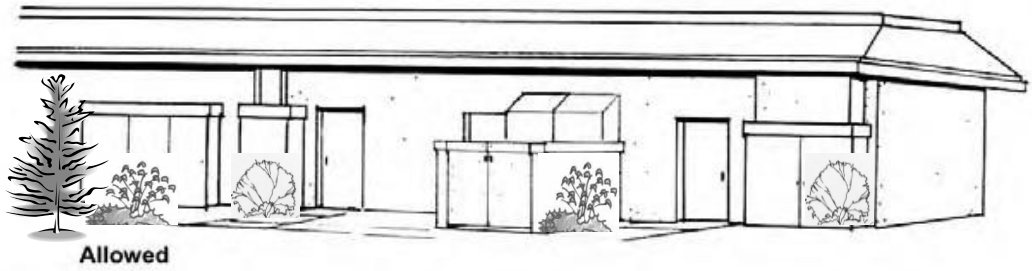
2. Outside mechanical equipment shall be completely screened by a wall, screen wall and/or roof that is compatible with the architectural aesthetic and materials of the building and is at a height even with the top of the equipment being screened.



Screening of Rooftop Mechanical Equipment



Not Allowed



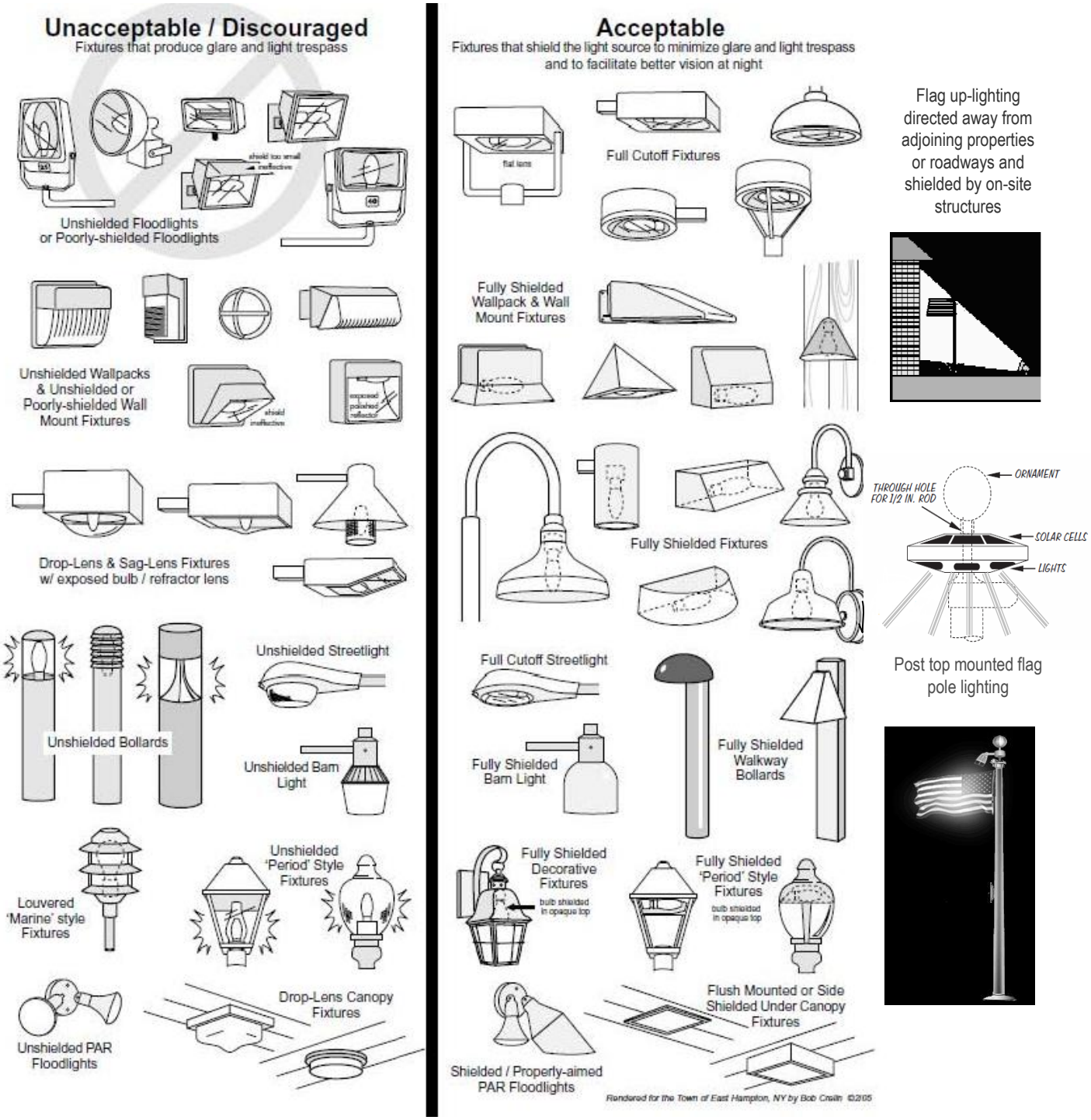
Allowed

3. Types and Limitation of Screening Walls
   a. Heights of walls, fences, berms and other screening devices shall be measured from the finished adjacent grade.
   b. Walls used to screen different land uses, outdoor storage, refuse, loading/unloading areas, service bays and ground-mounted mechanical equipment may be of brick, slump block, concrete block with mortar wash finish, stone or similar materials that match the building materials, as approved by the Planning Division.

H. LIGHTING

	Zoning District	Lighting Criteria
1.	All Districts	Outdoor lighting shall be shielded and screened so as to reflect away from streets, adjoining properties and the sky.
2.	All Districts	Full cut-off fixtures are required, so that the source of the illumination is not visible. (*see H.10i*)
3.	All Districts	Fixtures shall be labeled “dark-sky” by manufacturer.
4.	All Districts	Maximum Pole Height shall not exceed 25’, no poles or exterior fixtures shall exceed 15’ in height within 30’ of a residential area.
5.	All Districts	Illumination shall have a hard cut off at the property line of the subject site.
6.	All Districts	Allowable lamp types include Metal Halide (preferred), High Pressure Sodium (Acceptable) and Low Pressure Sodium (Discouraged). Other types of illumination shall be subject to approval by the Zoning Administrator.
7.	Commercial & Industrial Districts	Exterior lighting for paved areas shall be designed for an average of 1 to 3 footcandles over the entire surface area, measured three feet above finished grade.
8.	Commercial & Industrial Districts	Photometric calculations are required and shall be submitted with building permit application.
9.	Commercial & Industrial Districts	National corporate designs that do not comply with the criteria above, <u>may</u> be reviewed on a case by case basis for consideration and acceptance.

Better Lights for Better Nights – Help eliminate light pollution. Select the best fixture for your application using this guide. Use the lowest wattage bulb appropriate for the task and turn off the light when it is not in use.



Presented by the Dark Sky Society www.darkskysociety.org Illustrations by Bob Crelin, used with permission.

15-03-003 Tree Preservation

A. Preservation of Native Trees, Water Conservation & Site Orientation Incentives

1. Where dense stands of mature trees, (all trees over 6 inches in diameter measured 4 ½ feet above the ground, and spaced no more than 20 feet apart) are preserved over 35% or more of the property proposed for development or expansion, no additional landscaping materials will be required, provided that a portion of the preserved mature trees are located in the front and street side yards in a manner as to present the image of natural open space expressed in 15-03-001 (A), the Purpose and Applicability section. Such determination shall be made by the Zoning Administrator and in no case shall there be less than ten feet in width of landscaped area along any street frontage.
2. Other incentives that may be used for the preservation of mature native trees, if appropriate for achieving the screening and landscaping of parking lots, and approved by the Zoning Administrator, are as follows:
   a. Up to 10% of the required standard parking spaces may be reduced to 8' X 16' for compact cars and so labeled, for parking lots of 20 spaces or more; or
   b. The number of required parking spaces may be reduced up to 10% for parking lots of 20 spaces or more; or
   c. The developer may select option a. or b. as shown above with the approval of the Zoning Administrator, and shall comply with the requirements of the Americans with Disabilities Act and other parking lot regulations of this Code.
3. If existing trees, 6 inches or more in diameter measured at 4 ½ feet above the ground, are removed from the area outside of the building envelope, at least one tree of 15 gallon size shall be planted on-site or off-site in an approved public location.
4. Where necessary to preserve important existing natural features and prominent stands of mature native trees, the Zoning Administrator may approve minor modifications from the building setbacks required by the Code, but in no case shall there be less than 10 feet of landscaped setback along any street frontage.
5. For multi-family, manufactured home and recreational vehicle parks, or other grouped residential developments, densities may be traded from portions of the development site which contain dense, mature trees and native vegetation and which will be preserved, to portions of the development site which are void of these natural, prominent features.
6. Where buildings are sited at the front area of the lot with parking and driveways at the sides and rear of the lot to create easy access for emergency vehicles around the sides and rear of the building, the building front setback may be reduced by 50% as long as a minimum of 10 feet of landscaped area is installed or preserved between the building and its property line and landscaping is provided in the street right-of way areas.

B. Tree and Plant Conservation Plan

The purpose of this guideline is to provide a means for selecting trees and plants that may be protected in place, salvaged or mitigated in order to conserve this living resource. It is imperative that the native vegetation in the Town be preserved to the greatest extent practicable and in the case of tree removal, efforts should be made to mitigate unnecessary loss of native vegetation.

1. Applicability:

The provisions of this section shall apply to all new subdivisions, and lots designated for commercial or industrial use, except for building envelopes on residential lots that are identified on approved final plats.

2. Plant Selection Procedure

   Conduct an inventory of estimated live native trees of greater than six inch diameter at the 4½ feet level to be removed from the site outside of building envelopes, and list these by species or common name, type, general location and count and include the following:

   a. Identify any species found that are protected pursuant to the Arizona Native Plant Law (A.R.S. 3-901, et seq.), and species protected by the Federal Endangered Species Act;
   b. Note species that provide significant aesthetic or historical qualities;
   c. Identify plants that constitute a hazard, such as brush fire potential or disease.
   d. Identify invasive species that may have a negative effect on the native plants.
   e. Identify plants that may provide a resource value, such as lumber.

3. Tree Conservation Plan

   a. Identify the amount and location of trees greater than 6 inches in diameter at 4½ foot height outside the building envelope that are scheduled to be protected in place, salvaged, or destroyed.
   b. Describe plans for disposition of trees and plants, with scheduling.
   c. Describe the sale or donation of plants to public or private agencies or individuals for salvage and landscaping.
   d. Prepare a mitigation plan for compensation of loss of significant vegetation, including erosion control, aesthetics and other considerations.
   e. Identify plants to be destroyed or removed to reduce a hazard or nuisance
   f. Identify use of plant materials for other resource uses, such as lumber or wood chips.
   g. Prepare a course of action to implement the plan.

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15-03-004 Removal or Cutting of Native Trees

A. The provisions of this section shall apply to all land uses in all zoning districts, except for the building footprint and an area of five feet from this footprint. The trees within the building and the five foot area can be removed after an approved building permit has been issued. A separate tree permit for removal is not required.

B. No person, entity or corporation in any zoning district shall remove, cause to be removed, destroy or injure any native tree with a diameter of six inches or greater, measured 4½ feet above ground level, from an undeveloped or developed parcel of land without first obtaining a tree permit from the Building Department and approved by the Zoning Administrator, or designee, except where necessary for construction of streets, driveways, utility poles, and structures approved in a Town of Payson building permit, for the removal of trees, shall be issued.

1. Prior to any permit being issued for the removal of a native tree or trees, the applicant shall provide a detailed written explanation of why the tree or trees need to be cut or removed.
2. The Zoning Administrator may also require submission of accurate photos and a diagram, plotting the tree or trees to be removed and those to remain, plus details of the proposed methods of controlling soil erosion, maintaining drainage, and abating dust problems.
3. The applicant shall provide sufficient information and details to enable the Zoning Administrator to review the tree removal permit application.
4. If the Zoning Administrator is satisfied that the applicant's proposal furthers the public welfare, or is not detrimental to the subject parcel or adjoining parcels, and is in accordance with the provisions of this Code, the permit shall be issued.

C. Any decision of the Zoning Administrator may be appealed to the Planning & Zoning Commission and to the Council for final review and action. On applications concerning commercial properties or multi-family, the Zoning Administrator may hold public hearings to provide public input prior to rendering his decision. In no event shall more than 45 days elapse between the date the completed application is submitted and the date the final decisions of the Zoning Administrator are rendered.

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15-03-005 Removal of Dangerous, Diseased or Infested Trees

The provisions of this item shall apply to all private properties within the Town of Payson. The intent of this item is to provide for the removal, pruning or spraying of trees that present a danger to persons, property and other vegetation and to preserve healthy, native trees by the removal, pruning or spraying of trees with diseases and infestations of insects and parasites.

A. Upon determining that any tree or part thereof constitutes a nuisance, and an immediate danger exists to persons, property or other vegetation, the Zoning Administrator or his/her designee shall after notifying the property owner in writing and describing the condition, direct the property owner to remove, spray or prune the tree.

B. A tree shall be deemed a nuisance if it or any part of it:

1. Appears dead, dangerous or likely to fall;
2. Is not pruned to a height of fourteen (14) feet above the street to accommodate vehicles such as garbage trucks, buses and street maintenance trucks;
3. Is not pruned to a height of ten (10) feet above the sidewalk;
4. Obstructs a curb, gutter, street or sidewalk;
5. Interferes with sewers;
6. Is in dangerous proximity to interfere with public utilities; or
7. Interferes with a planned public improvement.
8. Trees infected with infectious parasites or insects

C. Upon determining that any tree upon private property is diseased or infested with insects or parasites, the Zoning Administrator or his designee shall notify the property owner in writing, describing the condition, stating the actions necessary for correction and setting forth a reasonable time in which the action must be taken.

Actions necessary for correction may include but is not limited to the following:

1. Spraying the diseased or infested (insect or parasite) tree.
2. Removal and proper disposal of portions or the entire diseased or infested tree. 'Proper disposal' shall mean; relocation of all portions of the diseased tree, to the landfill site or to areas outside of Town generally unaffected by the disease or infestation with the approval of the Community Development Department.
3. The 'reasonable time' for removal of insect infested trees, may be during the winter months, when the insects are dormant and much less likely to spread.

D. In the event the property owner fails to remove the dangerous tree or take the required corrective action, the Zoning Administrator or his designee is authorized, in the public interest, to enter the property to spray, trim, prune, treat or remove any or all of the dangerous, diseased or infested tree. The cost of this service, including labor, equipment and materials, shall be assessed to the property owner.

E. If the costs of remedying the condition are not paid within thirty (30) days after receipt of a statement from the Town Zoning Administrator or his designee the amount shall become a lien upon the property to be included in the tax bill rendered to the property owners, and shall be collected in the same manner as other taxes against such property.

Town of Payson
Unified Development Code
Section 15-04

SECTION	TITLE	PAGE
15-04	**OFF-STREET PARKING AND LOADING**	
15-04-001	Purpose and Intent	2
15-04-002	General Requirements	2
15-04-003	Parking Standards	4

Adopted
By Ordinance #466
February 22, 1996
Updated June 1, 2011

This Unified Development Code and/or any other documents that appear in this version of the UDC may not reflect the most current legislation adopted by the Municipality. Any updates or revisions can be found on the Town's website as they become available.

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15-04 OFF-STREET PARKING AND LOADING

15-04-001 Purpose and Intent

In order to help alleviate congestion on public streets, and to provide for adequate air quality, the following vehicular parking requirements shall apply, and no building permit shall be issued for use permitted other than in conformity with the following requirements:

15-04-002 General Requirements:

Deviations from the general requirements set forth below, except from the requirements of item G, may be permitted by the granting of a Conditional Use Permit pursuant to Section 15-09-004. Any deviation from the general requirements shall be reviewed by the Public Works Engineer to insure adequate safety. The Public Works Engineer shall provide a written report to the Planning and Zoning Commission with a recommendation to approve, disapprove, or amend a request to modify the general requirements.

A. Parking spaces shall be at least nine feet by 19 feet, unless specified in this Code, or otherwise required by the Americans with Disabilities Act.

B. Parking requirements based on floor areas, shall use the gross building floor area used by, or serving, people in connection with the use.

1. Parking area calculations shall not include floor areas designed as parking facilities, incidental storage, or related accessory space, unless otherwise stated in this Code.
2. Where parking spaces are referenced to seats, each 18 inches of pew width may be considered as one seat.
3. If required parking is located on the lot other than the one it serves, or adjacent property permitting such parking, a use permit must be obtained. Once approved, the parking facilities shall be maintained in accordance with this Code.
4. In the case of mixed uses, the total parking requirements shall be the sum of the requirements of the various uses computed separately.

C. For the purpose of converting parking spaces into the required or permitted parking area, plans must be submitted to show how the required parking spaces will be arranged in the area supplied for that purpose and to indicate sufficient space for turning maneuvers, as well as adequate ingress and egress to the parking area before a permit is granted.

1. All parking lots, except for those located in residential districts, shall be entered and exited in a forward motion of the vehicle.
2. Driving Aisles shall meet the access standards established in Section 15-02-003 A.4.d. of this Code.
3. All parking spaces shall be located on the same lot, or contiguous lot with same uses.

D. In any zoning district, other than R1, the area of the parking space and access shall be surfaced with concrete or asphalt to prevent dust and erosion according to adopted Town Construction Standards or as approved by the Public Works Department.

E. The parking of a commercial vehicle of more than one ton capacity, on any lot in any residential district shall be considered a commercial use and is prohibited, except for service vehicles during necessary routine visits.

F. Floor areas shall mean the gross floor area and/or the open land area used for service to the public as customers, patrons, clients, or patients, including areas occupied by fixtures and equipment used for display or sale of merchandise. It shall not mean floors or parts of floors used principally for non-public purposes, such as storage, automobile parking, incidental repair, processing or packaging of merchandise, show windows, or for offices incidental to the management or maintenance of stores or buildings, or to rest rooms.

G. Any lights used to illuminate parking space in a Commercial District shall be so arranged as to comply with Section 15-03-002 of this code.

H. Except where a wall is required, a minimum six inch high curb or bumper guard shall be constructed so that no part of the vehicle shall extend beyond the property line. The use of natural vegetation and landscaping, as described in Section 15-03, shall be encouraged.

I. Whenever a building permit has been granted and the plans so approved for off-street parking, the subsequent use of such property shall be deemed to be conditional upon the unqualified continuance and availability of the parking provisions contained in such plans. Any use of such property in violation hereof shall be deemed in violation of this Code.

J. If the owner or occupant of any building regulated under this section, desires to change the permitted use of that building, they shall to which such building is put as to increase off-street parking as required under this Code, it shall be unlawful, and a violation of this Chapter, to begin or maintain such altered use prior to compliance with increased off-street parking provisions of this Section.

K. No addition or enlargement of an existing building or use shall be permitted unless parking requirements of this Code are met for the entire building or use.

L. In the case of mixed use, the total requirements for off-street parking space shall be the sum of the requirements of the various uses computed separately as specified in this Section, and the off-street parking spaces for one use shall not be considered as providing the required off-street parking for any other use.

M. There shall be no commercial parking lots in a Residential District, except in a walled or fenced, and landscaped RV and boat storage area for private use by subdivision residents.

N. In any computations or fractions of parking space requirements, the total number of spaces required shall be rounded to the nearest whole number.

O. On projects, other than single family dwelling units, one parking space shall be provided for guest parking for every 10 units or fraction thereof.

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15-04-003 Parking Standards

Automobile parking space shall be provided according to the schedule in this Section and subject to the following conditions in any district in which any of the listed uses shall be established:

A. Where the Parking Standards Chart refers to parking spaces for employees, staff and teacher the maximum number of spaces to be required will not exceed the total number of employees, staff and teachers on the busiest work shift.

B. Shared Parking Facilities:

(1) Where two more businesses share a parking lot, the number of spaces required shall be the total for the combined businesses as provided in this section.

(2) Where shared parking is permitted, there shall be a recorded right of use for each business which uses the parking lots.

(3) Where two or more businesses share the same parking lot, and the hours of operation for the businesses vary whereby one business is closed while the other operates, the number of spaces required shall be established for the business which requires the highest number of parking spaces. An agreement shall be signed and recorded by the property owners attesting to use and hours of operation.

C. Parking Space Standards Chart 15-04.C., starting on the following page, shall be accepted as parking space standards for the Town of Payson.

PARKING SPACE STANDARDS
15-04.C.

USE DESCRIPTION	CUSTOMERS/PATRONS	EMPLOYEES
AGRICULTURAL		
Animal Clinics	1.0 Space per 500 sq. ft.	1.0 Space per employee
Kennels	1.0 Space per 400 sq. ft.	1.0 Space per employee
Horticulture-Plant Nursery	1.0 Space per 1,000 sq. ft. of total sales areas	1.0 space per employee
RESIDENTIAL		
Multi-family (1 Bed)	1.0 Space per unit	Not Applicable
Multi-family (2 Bed)	1.5 Spaces per unit	Not Applicable
Multi-family (3 Bed)	1.75 Spaces per unit	Not Applicable
Multi-family (4 Bed)	2.0 Spaces per unit	Not Applicable
Manufactured Home Park	2.0 Spaces per unit	Not Applicable
Recreational Vehicle Park	1.5 Spaces per site	1.0 per employee
PUBLIC-INSTITUTION-QUASI INSTITUTIONAL		
Bed & Breakfast	1.0 Space per room	2.0 Spaces for owners
Rooming/Boarding House	1.0 Space per room	2.0 Spaces for owners
Fraternities	1.0 Space per two beds	Not Applicable
Day Care Center/Nursery School	1.0 Space per 10 students	1.0 Space per teacher/staff
Elementary Schools	1.0 Space per classroom	1.0 Space per teacher/staff
High School	1.0 Space per 10 students (based on design) or 1.0 space per 3 auditorium seats, whichever is greater	1.0 Space per teacher/staff
Vocational Schools	0.5 Space per student	1.0 Space per teacher/staff
Colleges/Universities	1.0 Space per four students	1.0 Space ea 3 teachers/staff
Churches	When adjacent to or within 300 feet of other commercial parking lots parking requirements can be waived with permission of parking lot for use by church or; 1.0 Space per 5 seats or 90" pew space	1.0 per employee

USE DESCRIPTION	CUSTOMERS/PATRONS	EMPLOYEES
PUBLIC-INSTITUTION-QUASI INSTITUTIONAL		
Clubs-Union Halls-Lodges	1.0 Space per 3 persons, based on occupancy load of building	1.0 space per employee
Nursing Care - Long Term	1.0 Space per 3 patient beds	1.0 space per employee, staff or visiting doctor
Group Homes	1.0 Space per 4 resident beds	1.0 space per employee
Hospitals	1.0 Space per 3 beds, and; 1.0 Space 250 sq. ft. office space	1.0 Space per resident doctor, and; 1.0 Space per employee
Camp Grounds	1.0 Space per campsite	1.0 Space per employee
Outdoor Recreation	1.0 Space per 1,000 sq. ft. of lot area	1.0 Space per employee
GENERAL RETAIL & SERVICES		
Offices - Professional	1.0 Space per 250 sq. ft.	1.0 Space per employee
Shopping Center	1.0 Space per 250 sq. ft. leasable space	none
General Retail - Indoors	1.0 Space per 300 sq. ft.	1.0 Space per employee
Appliance Repair Shop	1.0 Space per 300 sq. ft.	1.0 Space per employee
Self Service Laundry	1.0 Space per 300 sq. ft.	1.0 Space per employee
Commercial Laundry	1.0 Space per 300 sq. ft.	1.0 Space per employee
Banks	1.0 Space per 250 sq. ft.	1.0 Space per employee
Copy Shops	1.0 Space per 300 sq. ft.	1.0 Space per employee
Office Supplies	1.0 Space per 300 sq. ft.	1.0 Space per employee
Convenience Stores w/gas	1.0 Space per 300 sq. ft.	1.0 Space per employee
Convenience Stores no gas	1.0 Space per 300 sq. ft.	1.0 Space per employee
Grocery Stores	1.0 Space per 250 sq. ft.	1.0 Space per employee
Warehouse Retail (Lumber/Hardware etc.)	1.0 Space per 400 sq. ft.	1.0 Space per employee
Mortuaries	1.0 Space per 75 sq. ft. (parlor or chapel area)	1.0 Space per employee
Auctions	1.0 Space per 75 sq. ft.	1.0 Space per employee

USE DESCRIPTION	CUSTOMERS/PATRONS	EMPLOYEES
GENERAL RETAIL & SERVICES		
Small Engine Repair & Sales	1.0 Space per 300 sq. ft.	1.0 Space per employee
Mini-Storage	4 Spaces + 1.0 Space for every 100 storage units	None
Open Air & Flea Markets	1.0 Space per 500 sq. ft. lot area	1.0 Space per employee
FOOD-BEVERAGE-ENTERTAINMENT		
Restaurants with drive-in	1.0 Space per 75 sq. ft.	1.0 Space per employee
Restaurants without drive-in	1.0 Space per 100 sq. ft.	1.0 Space per employee
Night Clubs-Bars-Lounges	1.0 Space per 75 sq. ft.	1.0 Space per employee
Adult Entertainment	1.0 Space per 75 sq. ft.	1.0 Space per employee
Auditoriums	1.0 Space per 75 sq. ft.	1.0 Space per employee
Theaters, indoor	1.0 Space per 75 sq. ft.	1.0 Space per employee
Amphitheaters	1.0 Space per 4 seats	1.0 Space per employee
Indoor Commercial Recreation	1.0 Space per 200 sq. ft.	1.0 Space per employee
Hotels & Motels	1.0 Space per room + 1.0 Space per 250 sq. ft. of Restaurant area	1.0 Space per employee
Miniature Golf	1.0 Space per hole	1.0 Space per employee
Amusement Parks	1.0 Space per 250 sq. ft. of land or building area for public use.	1.0 Space per employee
Golf Course	4.0 Spaces per hole	1.0 Space per employee
Golf Driving Range	1.0 Space per tee	1.0 Space per employee
VEHICLE SALES & SERVICE		
Vehicle Sales, Rental, Repair	1.0 Space per service bay, and; 1.0 Space per 500 sq. ft. of display area	1.0 Space per employee
Recreational Vehicles Sales	1.0 Space per service bay, and; 1.0 Space per 1,000 sq. ft. of display area	1.0 Space per employee
Manufactured Home Sales	1.0 Space per 250 sq. ft. of sales office	1.0 Space per employee
Vehicle Paint & Body	1.0 Space per service bay	1.0 Space per employee
Gasoline Sales	1.0 Space per 4 pumps	1.0 Space per employee

USE DESCRIPTION	CUSTOMERS/PATRONS	EMPLOYEES
VEHICLE SALES & SERVICE		
Car Wash	Allow 3 stacking spaces per wash area	1.0 Space per employee
MANUFACTURING-WAREHOUSING-ASSEMBLY		
Research & Development	4 parking spaces	1.0 Space per employee
Communications	1.0 Space per 250 sq. ft.	1.0 Space per employee
Manufacturing-Processing	4 parking spaces	1.0 Space per employee
Warehouse	None	1.5 Spaces per employee
Heavy Equip Repair	1.0 Space per service bay	1.0 Space per employee
Extraction Industries	1.0 Space per 250 sq. ft. of office space	none
Disposal Companies	1.0 Space per 250 sq. ft. of office space	none
Cement Plants	1.0 Space per 250 sq. ft. of office space	none
Refining	1.0 Space per 250 sq. ft. of office space	none
Auto Wrecking Yard	1.0 Space per 250 sq. ft. of customer area	1.0 per employee

D. Handicapped Parking:

All off-street parking areas, except for single family residential, shall include spaces reserved for use by persons with disabilities. Spaces shall be provided in proportion to the total number of spaces required. American Disability Act standards will be used in determining compliance.

Total Parking Required on Lot	Required Number of Accessible Parking Spaces
1 to 25	1
26 to 50	2
51 to 75	3
76 and over	+1 space/50 spaces

Each accessible parking space shall have on its right side, an adjacent access aisle not less than five feet in width, except that two accessible spaces may share a single access aisle. Every access aisle shall lead directly to a curbed ramp and accessible route of travel to the principle building or buildings on the site.

E. Off-Street Loading Space

In order to avoid undue interference with the public use of streets, alleys and sidewalks, on-the-property berths are required for the standing, loading, and unloading of vehicles. Such berths shall not be less than ten feet in width and 30 feet in length, exclusive of access aisles and maneuvering space. Any building exceeding a gross floor area of 25,000 square feet, except residences and apartments, shall provide one such berth plus an additional berth for each additional 80,000 square feet of gross floor area.

Town of Payson
Unified Development Code
Section 15-05

SECTION	TITLE	PAGE
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15-05-001	Intent and Purpose	2
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Adopted
By Ordinance #466
February 22, 1996
Updated June 1, 2011

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15-05 SIGNS

15-05-001 Intent and Purpose

A. The purpose of the section is to:

1. provide for adequate and appropriate signs to effectively identify businesses by location and type,
2. not allow unsafe, oversize or excessive signs which obscure the buildings, trees and the natural beauty of the Town, and
3. protect the public from injury and damage as a result of distraction or obstruction of vision attributable to faulty construction or improper location of signs.

B. The intent of this section is to assure that the public welfare and public amenities are protected by exercising reasonable controls over the character, location and design of signs.

15-05-002 Applicability

A. The provisions of this section (Signs) shall apply to the erection, placement, construction, alteration, size, location and maintenance of all signs within the Town, except as otherwise specified.

B. The provisions of this section (Signs) shall not apply to:

1. Flags, pennants, or insignias of any nation, state, city, or other political entity on private property.
2. Tablets, grave markers, headstone, statuary, or remembrances of persons or events noncommercial in nature on private property.
3. Temporary decorations or displays celebrating the occasion of traditionally accepted patriotic, religious or local holiday or event on private property.
4. Temporary signs on any property for events of a general Town-wide civic or public benefit, community events, or Town sponsored events so long as:
   a. prior to placing the signs, notice is given to the Town's Community Development Department;
   b. the total signage area does not exceed 64 square feet unless a larger amount of signage is allowed by the Community Development Director;
   c. the sign(s) do not
      (i) block or impede roadways, bike paths, trails, sidewalks or any other right of way designated for travel by the public or
      (ii) create a traffic hazard; and
   d. the signs are removed within three days after the event.
5. Signs on private property not visible beyond the boundaries of the lot or parcel upon which they are located, or from any public right-of-way or thoroughfare, providing that such sign does not constitute a traffic hazard.
6. The erection, construction, and maintenance of official traffic, fire, and police signs, signals, devices and markings of the State of Arizona, the Town of Payson, or other authorized public agency, or the posting of notices as required by law, providing that such sign does not constitute a traffic hazard.
7. Banners over the Town's Right of Way, the Town's roadway easements, or the Arizona Department of Transportation's Right of Way if such banners are otherwise regulated or placed by a state or local government entity.

8. Window Signs on private property which are only for the purpose of temporary signage to advertise the sale of goods or services.

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15-05-003 General Requirements

A. Prohibited Signs

1. Signs that are not specifically authorized are prohibited, including, but not limited to:
   a. Vehicle signs not in compliance with Section 15-05-003(D).
   b. Fixed aerial advertising and displays.
   c. Off Premise Signs except as provided in Section 15-05-005(C).
   d. Roof Mounted Signs which project above the highest point of the roof line, parapet or facade of the building.
   e. Any sign or device emitting a sound or substance.
   f. Any sign or device with intermittent or flashing illumination, animations or moving copy, but not including automated signs.
2. Except as specifically allowed in 15-05-005(C), signs or notices of any kind placed or displayed on sidewalks, posts, utility poles, lamp posts, hydrants, trees, bridges, rocks, boulders, the ground, or other surfaces located in a Town's Right of Way, Town roadway easement, or on public property are prohibited.
3. Except as provided in 15-05-005(C), Temporary Signs are prohibited.

B. Non-Conforming Sign/On Premise

1. A nonconforming sign shall be removed per this Code if it is determined to be a public nuisance or at least 50% destroyed or it is abandoned or it is structurally unsound, as determined by the Zoning Administrator.
2. Non-conforming signs with GRANDFATHERED Rights shall be limited to signs which lawfully existed as of the adoption date of this Code. Any sign which was erected without a proper permit from the Town shall remain a non-conforming and non-GRANDFATHERED sign and shall be subject to immediate removal or modification as determined by the Community Development Director in accordance with this Code.

C. In addition to any other remedy or enforcement action, the following signs may be immediately removed by any employee or person under the direction of the Town Engineering or Community Development Departments:

1. signs placed on public property or in Town right of way in violation of any subsection of 15-05, and
2. signs placed on any property in violation of Section 15-05-005(C).

All signs removed pursuant to this subsection shall be retained for a period of fifteen (15) days. All such signs not claimed within fifteen (15) days may be disposed of.

D. Vehicle Signs

Signs on vehicles, shall be subject to the following conditions:

1. The primary purpose of the vehicle is not the display of signs.
2. Such signs are magnetic, decals or painted upon an integral part of the vehicle as originally designed by the manufacturer. Signs that break the silhouette of the vehicle shall not exceed 3 square feet.

3. The vehicle is in operating condition, currently registered and licensed to operate on public streets when applicable, and actively used in the daily function of the business to which signs relate.
4. The vehicle is not used primarily as a static display, nor utilized as storage or shelter.

15-05-004 Reserved

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15-05-005 Permitted Signs

A. Free Standing Signs - Each business or complex is entitled to one of the following:

1. High Profile Sign - The following regulations apply to high profile signs for individual businesses and not to plazas, complexes or shopping centers.
   a. There shall be no more than one such sign per subdivided lot or contiguous lots or parcel under the same ownership where parking facilities and structures are shared.
   b. A free standing sign located on the main entrance frontage of a lot as determined by the street address, shall be no larger than one square foot for each lineal foot of a building frontage, and shall pertain only to the business(es) therein.
   c. No portion of any such sign may extend onto an existing right-of-way or easement.
   d. The maximum size of each sign shall not exceed 32 square feet, with a maximum length of eight feet.
2. Low Profile Sign
   a. The following regulations apply to individual businesses and not to businesses located in plazas, complexes and shopping centers.
   b. Notwithstanding the regulation found above, a permanent freestanding sign may be placed according to the following dimensions.
   c. Such signs shall have a total maximum height of no more than five feet, as measured from the nearest ground level.
   d. No portion of any such sign may extend onto an existing right-of-way or easement.
   e. The maximum size of each sign shall not exceed 32 square feet, with a maximum length of eight feet.
3. Multi-tenant Sign
   a. Shopping Center:

      A group of commercial establishments, planned, constructed, and managed as a total entity with customer and employee parking provided on-site. Any shopping center consisting of 10 or more units shall have no more than a 100 sq. ft. sign for each driveway on each arterial roadway, with a maximum length of 12 feet per sign, provided each sign is separated by 150 feet as measured along the frontage of the center.
   b. Plaza Mall/Office Complex:

      A group of individual commercial shops/or offices with a common parking lot consisting of 6 through 9 units shall have no more than a single sign on each thoroughfare not to exceed 50 square feet with a maximum length of 12 feet.
   c. Mini Plaza/Mall:

      A group of individual commercial shops with a common parking lot consisting of 2 thru 5 units shall have no more than a single directory sign not to exceed 32 square feet with a maximum length of 12 feet.
   d. Subdivided Shopping Centers/Plazas with Shared or Common Parking Areas. The

commercial shops which are a part of a subdivided center shall have no more than a single sign which shall not exceed 100 square feet for a center with ten or more units provided each sign is separated by 150 feet as measured along the frontage of the center. Centers with 6 to 9 units shall have no more than a single sign on each thoroughfare not to exceed 50 square feet with a maximum length of 12 feet. Centers with five or less business establishments shall have a maximum of 32 sq. ft. of freestanding signage.

4. Spherical, free-form, sculptural, other non-planar signs:

   Sign area will be the sum of the area of the sides of the smallest four-sided, polyhedron that will encompass the sign structure.

5. Subdivision Signs:

   a. Residential subdivisions are permitted low profile signs not to exceed 24 square feet..

   b. Commercial and industrial subdivisions are permitted free standing signs in conformance with the ratio of tenants to sign area, which is defined in Section 15-05-005, Item A.3.d.

   c. Approval of subdivision signs will be processed at the time of preliminary plat review through the submittal of a Master Sign Plan. The subdivider shall submit a Master Sign Plan showing the location, size and design for all subdivision identification signs to be included with the preliminary plat approval. If a subdivision does not have a Master Sign Plan or wishes to amend the existing Master Sign Plan; a sign application showing the location, size and design for all subdivision identification signs, shall be submitted to the Community Development Department for issuance of a sign permit.

B. Wall or Building Signs - None of the dimensions set forth in this subsection shall be construed to be cumulative.

1. Signs on or Attached to Buildings as Wall, Soffit and Facade Signs:

   a. Notwithstanding the regulations found within this Code, relating to free standing signs, signs may be placed upon, attached to, or painted upon buildings, subject to the following provisions.

   b. A sign located on the main entrance frontage of a building shall be no larger than one square foot for each lineal foot of building frontage. Such signs shall pertain only to the business(es) therein.

   c. Such signs may be placed on the main entrance frontage of the building and on one or more sides of the same building; provided that the signs do not exceed two square feet for each lineal foot of the shorter of the main entrance frontage or side frontage where the sign is placed, with a maximum of 16 square feet per side.

   d. The source of illumination for signs shall be so oriented or shielded as to not be visible from any residential zone or public thoroughfare.

   e. Number of sign faces:

      One -- Area of the single face only.

      Two -- If the interior angle between the two connected sign faces is 45 degrees or less, the area will be the area of one face only; if the angle between the two sign faces is greater than 45 degrees the sign area will be the sum of the areas of the two faces.

   f. Sign area is measured as that area contained within the outside dimensions of the background panel or surface.

   g. Sign copy mounted as individual letters and/or graphics against a wall or fascia of a building or other structure that has not been painted, textured or otherwise altered to provide a distinctive background for the sign copy.

   h. Sign area is measured as the total sum of the area enclosed by the smallest rectangles

that will enclose each word in the total sign copy; i.e., one rectangle per word.

i. Three or more- The sign area will be the sum of the areas of the three or more faces.

2. Canopy (Awning) Signs: Canopy signs shall not project above the canopy. Signs may be attached flat against canopies made of rigid materials; canopies made of nonrigid materials (e.g. canvas) shall only have signs composed of nonrigid materials (e.g. paint, stitching). Awning/canopy signs shall not exceed 12 square feet or 50% of awning.

3. Roof Signs: Any sign placed upon the roof that does not extend above the roof line shall be considered a wall sign for the purpose of this code and shall abide by the Section b.(1) above. Roof signs that extend above the roof line are forbidden.

4. Window Signs: Permanent Signs on or inside windows of commercial establishments are permitted if no more than 25% of the area of the window space is used. Window signs must be placed behind a glass surface, not in unglazed openings.

5. Home Based Business Signs: A Home Based Business that is licensed and in compliance with all of the requirements of this Unified Development Code shall be allowed one name plate sign subject to the following restrictions:

   a. The name plate sign shall not exceed two square feet, and

   b. The Community Development Director shall review and approval all name plate signs to ensure that they complement the home's architecture and color and do not detract from the neighborhood.

C. Temporary Signs

1. Requirements for All Temporary Signs.

   a. Unless specifically authorized in this section, no Temporary Sign may be placed on public property or in the Town's Right of Way or roadway easements.

   b. Temporary signs shall not block, impede, or be placed in roadways, bike paths, trails, sidewalks or any other part of the Right of Way designed for travel by the public.

   c. Temporary signs shall not create a traffic hazard; and

   d. Temporary signs allowed under 15-05-005 (C)(2), (3), (4), (5), and (9) shall not require a permit.

2. Coming Soon Signs - Signs announcing the proposed development of property after the issuance of a building permit by the Building Inspections Division for the proposed development.

   a. Sign can be displayed only with a valid permit for construction and must be removed within ten days of final inspection.

   b. Maximum size of signage allowed shall be 32 square feet with a maximum length of eight feet.

   c. All Coming Soon Signs must be on the site of the proposed development.

3. Sale, Lease or Rent Signs, temporary signs to announce real property availability.

   a. There shall be no more than one such sign per subdivided lot.

   b. Such signs shall not exceed six square feet for parcels of one acre or less and 16 square feet for parcels which are more than one acre in size.

   c. In residentially zoned areas, Sale, Lease, or Rent Signs may be placed in the unimproved Town Right of Way adjacent to the property.

4. Contractors and Subcontractors Signs - Signs designating the contractor or subcontractor engaged in the construction or repair of the building(s) on each lot or parcel of property shall be allowed in all zoning areas.

a. One non-illuminated sign is allowed per contractor or subcontractor. Signs shall not exceed four square feet in area for subcontractors and 32 square feet for general contractors.

b. Sign shall be removed within ten days after final inspection is completed.

5. Political Signs: Signs that would otherwise be prohibited that support a candidate for public office, or urge action on any other matter, on the ballot of primary, general or special elections are allowed with the following restrictions:

   a. Political signs may be displayed on private property in all zoning districts or in the unimproved area of the Town's Right of Way adjacent to residentially zoned property. If a Political Sign is on private property, prior to placing such sign, the permission of the property owner, lessee, or other person lawfully in control of the property must be obtained. If a Political Sign is on the Town's Right of Way, prior to placing such sign, the permission of the property owner, lessee, or other person lawfully in control of the adjacent property must be obtained.

   b. The total sign area permitted on any lot or parcel in a non residentially zoned area shall not exceed 32 square feet. The total sign area permitted on or adjacent to any lot or parcel in a residentially zoned area shall not exceed 3 square feet.

   c. The person, party or parties responsible for placing or distributing any such signs shall be jointly and severally liable for removal of them within ten days after the primary, general or special election to which they refer.

6. Banners: Signs painted or displayed on cloth or flexible material.

   a. Banners are limited to placement on private property and a maximum size of 24 square feet and a maximum length of 8 feet.

   b. Banners not attached to building or structure must include wind cuts.

   c. Prior to the erection of any Banner, a permit shall be obtained from the Community Development Department. The length of the permit shall not exceed 15 days and only one permit shall be issued per calendar month.

7. Temporary Portable Signs.

   a. Temporary Portable Signs may be placed in the unimproved portion of the Town's Right of Way or on private property with the permission of the property owner, lessee, or other person lawfully in control of the property with the following restrictions:

      i. Only one such sign per person or establishment is allowed,

      ii. Such signs may only be placed in commercially zoned areas,

      iii. Such signs may only be displayed Wednesday through Monday of each week, and

      iv. Such signs shall not exceed six (6) square feet in size.

   b. All Temporary Portable Signs require a sign permit and shall comply with all applicable design review requirements prior to placement.

8. Temporary Directional Signs. Temporary signs that direct a person to a specific location or address are permitted with the following restriction:

   a. All such signs shall be placed within one mile of the address or location being directed to,

   b. Only one such sign is allowed per change in direction,

   c. Such signs may only be displayed for 60 days in a calendar year,

   d. Such signs shall not exceed three (3) square feet in size,

   e. Such signs require a sign permit and shall comply with all applicable design review requirements prior to placement

f. Temporary Directional Signs may be placed on private property with the permission of the property owner, lessee, or other person lawfully in control of the property or in the unimproved portion of the Town's Right of Way.

9. Temporary Signs placed by the Town are allowed with the approval of the Town Engineer.

D. Design Specifications

1. All signs shall comply with the appropriate detailed provisions of the current Building Code relating to the design, structural members and connections. Signs shall also comply with the applicable provisions of the National Electrical Code and the additional construction standards set forth in this section.

2. Materials of construction for signs and sign structures shall be of the quality and grade as specified for buildings in the current edition of the current Building Code.

3. Anchorage for signs shall be according to the following:

   a. Members supporting unbraced signs shall be proportioned so that bearing loads imposed on soil in either direction, horizontal or vertical, shall not exceed the safe values. Braced ground signs shall be anchored to resist specified wind or seismic load acting in any direction. Anchors and supports shall be designed for safe bearing loads on the soil, and for effective resistance to pullout a mounting to a force 25 percent greater than the required resistance depth below ground greater than that of the frost line.

   b. Portable ground signs supported by frames or posts rigidly attached to the base shall be so proportioned that the weight and size of the base will be adequate to resist the wind pressure specified in the previous paragraph.

   c. Signs attached to masonry, concrete, or steel shall be safely and securely fastened by means of metal anchors, bolts, or approved expansion screws of sufficient size and anchorage to support safely the loads applied.

   d. No wooden blocks or plugs or anchors with wood used in connection with screws or nails shall be considered proper anchorage, except in the case of signs attached to wood framing.

   e. No anchor or support of any sign shall be connected to, or supported by, a parapet wall, unless such wall is designed in accordance with the requirements for parapet walls specified in Section 2313 of the current Building Code.

   f. There shall be no visible angle iron supports, guy wires, braces or secondary supports. All sign supports shall be an integral part of the sign design.

4. Electric Signs

   a. All electric signs shall conform in design and construction to appurtenant sections of Article 600 of the current National Electrical Code and other requirements as may be deemed necessary by the Building Inspector.

   b. Electric discharge tubing (neon "type") not terminated in an exterior metal sign raceway shall be terminated in appropriate receptacles.

   c. All sources of light shall be set in hood-type reflectors, so that no direct light is visible to the side.

   d. All light beams shall be trained directly on the copy space.

5. Visibility Requirements:

   Any freestanding sign which creates a visibility problem along adjacent streets or driveways is prohibited. The visibility shall be measured for both the existing street width and the ultimate design width if the street is not fully constructed.

If the Inspector determines that a potential visibility problem exists, the item will be referred to the Zoning Administrator for determination of an acceptable location.

E. Maintenance

1. Sign Maintenance

   Maintenance and Repair: All signs shall be maintained to a safe, presentable and good condition, including replacement of defective parts, painting, repainting, cleaning and other acts required for the maintenance. The Building Inspector shall require compliance or removal of any sign determined by the Zoning Administrator to be in violation of this Code.

2. Nonconforming Signs

   Existing, Nonconforming signs are not affected by this Code until one of the following changes occurs: (Section 15-01-004 also applies)

   a. Nothing in this Code shall affect non-conforming signs or the right to their continued use for the purpose used at the time the ordinance takes effect, nor for any reasonable repairs or alterations in the signs used for such existing purposes.

   b. Whenever the name of a business or the nature of the business conducted on the premises changes, and the sign is changed, whether it be location, size or shape, the signs on the premises shall be modified to conform with this Code. This section shall not prevent repairing or restoring an existing sign to a safe condition or maintenance performed.

   c. Signs damaged by fire or other cause to the extent of more than 50% of its reproduction value shall be repaired or rebuilt in conformity with this Code.

3. Abandoned Signs: Any sign located on property which becomes vacant and unoccupied for a period of three months or more, or which was erected for an occupant or business unrelated to the present occupant or his business or a sign which pertains to a time, event or purpose which no longer applies, shall be deemed to have been abandoned. Permanent signs applicable to a business temporarily suspended because of a change of ownership or management of such business shall not be deemed abandoned unless the property remains vacant for a period of three months or more. Seasonal businesses are not effected by this section unless they remain closed for one business season.

F. Permits

Permits Required:

1. It shall be unlawful for any person to install, alter, or replace any sign without first obtaining a permit to do such work, unless it is specifically stated in this Code that a sign permit is not required.

2. Permit Fees: Fees to be charged according to the current Fee Schedule.

3. Double Fees: If any person, firm or corporation begins any work for which a permit is required by this Section, without first taking out a permit, he shall pay an additional fee equal to 100 percent of the fees and shall be subject to the penalty provisions of this Section.

4. Applications for Permit: shall be made by the owner, tenant, or lessee of the property on which the sign is located, or his authorized agent or a contractor licensed by the State of Arizona, or by a registered architect or engineer. Applications shall be made in writing on forms furnished by the Division of Building Inspections and shall be signed by the applicant. The application shall state the address, owner of the sign, owner of the property, plot plan, sign copy and the estimated cost of the work.

5. A permit shall be required to display, erect, relocate, or alter any sign, except for copy changes on reader panels.

6. An approval insignia shall be placed on all signs at the time of final inspection.

Town of Payson
Unified Development Code
Section 15-06

SECTION	TITLE	PAGE
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Adopted
By Ordinance #466
February 22, 1996
Updated June 1, 2011

This Unified Development Code and/or any other documents that appear in this version of the UDC may not reflect the most current legislation adopted by the Municipality. Any updates or revisions can be found on the Town's website as they become available.

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15-06 MINOR LAND DIVISION

15-06-001 Purpose and Intent

The purpose of this section of the Code is to provide for the division of lots, tracts or parcels of land into two or three parts through a process that is more expeditious than the subdivision process; to maintain accurate records of surveys created to divide existing lots, tracts or parcels of land; to assure that the proposed division is in conformance with the standards established by the Town; and to ensure adequate ingress and egress for property owners.

15-06-002 Applicability

The provisions in this Section shall apply to land splits or division of improved or unimproved land into two or three tracts or parcels for the purpose of financing, sale or lease, whether immediate or future, if at least one of the following conditions are proposed;

A. the property to be split is less than two-and-one-half acres;
B. a new street is involved; or
C. or the boundaries of such property have been fixed by a recorded plat.

15-06-003 Minor Land Division Design Standards and Requirements

Except where expressly modified or permitted by the Commission, all Minor Land Divisions shall be in general conformity with the lot, street, block, alley, and easement design standards and requirements specified for subdivisions in this Code.

15-06-004 Minimum Required Minor Land Division Improvements

Exclusive of Land Splits as defined in 15-06-002 (above), the applicant shall dedicate and improve or agree to improve streets, pedestrian ways, alleys, and easements in the Minor Land Division, and make other improvements as specified for subdivisions in this Code. Construction of permanent improvements shall not commence until improvement plans and profiles have been approved by the Public Works Director.

A. Minor Land Division improvements shall be modified in the following situations;

1. When the Minor Land Division is located in an area with a zoning classification of R1-90 or a less density, the Commission may waive the requirements of public water and sanitary services. All minor land divisions which are located within 500 feet of existing public water or sanitary systems or the cost to hook into these public systems is less than two times the cost to develop on-site systems, will be required to provide these public utilities.
2. The Public Works Director or Fire Chief reserves the right to require any public infrastructure improvements necessary to ensure access for emergency vehicles and equipment.
3. When lots, tracts, or parcels of land created under this Code are 36 acres or more in size they shall be exempt from the provisions of this section.

B. If improvements are required per this section the applicant shall be responsible for the preparation of a complete set of engineering plans, prepared by an Arizona registered civil

engineer, satisfactory to the Public Works Director for the construction of the required improvements. The plans shall be prepared in conjunction with the Minor Land Division map. The Minor Land Division map shall not be recorded until all engineering plans for the required improvements have been approved by the Public Works Director or his designee.

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15-06-005 Assurance for the Construction

If improvements are required for the Minor Land Division pursuant to Section 15-06-004, no Minor Land Division map shall be certified as being approved by the Public Works Director or his designee unless the applicant has posted a performance bond, surety or guaranty instrument, or such other security as may be appropriate and necessary to guarantee the installation of the required improvements in the manner specified for subdivisions in this chapter, unless all such required improvements have been completed and paid for, as determined by the Public Works Director or his designee.

Town of Payson
Unified Development Code
Section 15-07

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By Ordinance #466
February 22, 1996
Updated June 1, 2011

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15-07 SUBDIVISIONS

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15-07-001 General Provisions

Purpose and Intent

The purpose of this chapter is to provide for the orderly growth and harmonious development of the Town; to assure adequate traffic circulation through coordinated street systems with relation to major thoroughfares, adjoining subdivisions and public facilities; to achieve individual property lots of reasonable utility and livability; to secure adequate provisions for water supply, drainage, sanitary sewerage and other health requirements; to ensure consideration for adequate sites for schools, recreation areas and other public facilities; to promote the conveyance of land by accurate legal description; and, to provide logical procedures for the achievement of this purpose. The provisions of this chapter provide a common ground of understanding to develop an equitable working relationship between public and private interests to assure that both independent and mutual objectives may be achieved in the subdivision of land.

15-07-002 Subdivision Design Principles and Standards

A. General Requirements

1. Every subdivision shall conform to the objectives of the general and specific plans, provisions of this Code, and other ordinances adopted by the Commission and the Council; and laws of the State that specifically identify subdivisions and the development of land.
2. Where the tract to be subdivided contains any part of the site of a park, school, flood control facility, or other public area as shown on the comprehensive general plan or as recommended by the Commission, such site shall be dedicated to the public or reserved for acquisition by the public within a specified period of time. An agreement shall be reached between the subdivider and the appropriate public agency regarding time, method, and cost of such acquisition.
3. Land which is within a delineated floodway, or cannot otherwise be properly drained, or other land which is unsuitable for subdivision use, as determined by the Commission, shall not be subdivided; except that the Commission may approve subdivision of such land upon receipt of evidence from the Public Works Engineer that the construction of specific improvements will render the land suitable; thereafter, construction upon such land shall be prohibited until the specified improvements have been planned, and construction guaranteed.
4. Where the tract to be subdivided is located in whole or in part in terrain having an average cross-slope exceeding 20 percent, design and development shall, at the discretion of the Public Works Engineer, follow the standards and requirements of Section 15-07-002.H. of this Code.

B. Street Location and Arrangement

1. Whenever a tract to be subdivided embraces any part of a street designated in an adopted Town Streets and Highways Master Plan, such street shall be platted and constructed in conformance with the classification and standards designated for that street.
2. Street layout shall provide for the continuation of such streets as the Planning and Zoning Commission may designate.

3. If a tract to be subdivided is located within an area for which a neighborhood plan has been approved by the commission, the street arrangement shall conform to that plan.
4. Certain proposed streets, as designated by the Planning and Zoning Commission, shall be extended to the tract boundary to provide future connection with adjoining unplatted lands.
   a. Street connections to an adjoining platted tract shall be made only to those extended streets of the platted tract.
   b. Street connections shall be designed to accommodate the amount of increased traffic flow generated by the proposed subdivision, as determined by an engineered traffic study and as approved by the Public Works Department.
5. Local streets shall be so arranged as to discourage their use by through traffic.
6. Where a proposed subdivision abuts or contains an existing or proposed arterial route, the Planning and Zoning Commission may require access or frontage streets, or reverse frontage combined with a one-foot non-access easement abutting the arterial route, or such other treatment as may be justified for protection of residential properties from function of the arterial route.
7. Where a subdivision abuts or contains the right-of-way of a limited access highway or an irrigation canal or abuts a commercial or industrial land use the Planning and Zoning Commission may recommend location of a street approximately parallel to and on each side of such right-of-way at a distance suitable for appropriate use of the intervening land. Such distance shall be determined with due regard for approach grades, drainage, bridges or future grade separations.
8. Streets shall be so arranged in relation to existing topography as to produce desirable lots of maximum utility and streets of reasonable gradient and to facilitate adequate drainage.
9. Alleys may be required in all residential, commercial, and industrial subdivisions, except that the Planning and Zoning Commission may recommend waiver of requirements in certain districts because of topography, open area provided or service access provided in some other manner acceptable to the committee.
10. Half streets shall be discouraged, but may be permissible where necessary to provide right-of-way required by the Town Streets and Highways Plan, to complete a street pattern already begun or to assure reasonable development of a number of adjoining parcels. The minimum paved street width of a half street is 20 feet. Where there exists a platted half street abutting the tract to be subdivided, the remaining half shall be platted within the tract.

C. Street Design

All streets in the Town, unless otherwise specified in this Code, shall be designed to the standards in Table C.1.1 in this section and as follows:

1. Minimum Required Right-of-Way Widths:
   a. Major arterial streets and highways - as required by current Town and Arizona Department of Transportation standards.
   b. Minor arterial and collector streets as indicated by current Town standards but, in any event, no less than 80 feet.
   c. Local streets as indicated by current town standards but, in any event, no less than 60 feet, unless otherwise specified in this Code.
      (1) Cul-de-sac streets shall terminate in a circular right-of-way 50 feet in radius with an improved traffic turning circle 40 feet in radius. The Planning and Zoning Commission may approve an equally convenient form of space where extreme

conditions justify. The road right-of-way leading into the cul-de-sac may be reduced to 50 feet if approved by the Public Works and Community Development Departments.

(2) The right-of-way on local residential streets may be reduced to 50 feet if there is ample room to install utilities, grade the required level area and daylight the cut/fill slope within the right-of-way, if approved by the Public Works Department.

(3) Dead end streets will not be approved except in locations designated by the Commission as necessary to future extension in development of adjacent lands. A dead end street serving more than four lots shall provide a temporary turning circle with a 40 foot radius or other acceptable design to accomplish adequate access.

d. Access or frontage streets as indicated by current town standards.

e. Alleys 16 feet if single family residential on both sides; 20 feet if abutting commercial, multiple family residential or industrial districts. Alley intersection and sharp changes in alignment shall be avoided, but where necessary, corners shall be cut off 15 feet on each side to permit safe vehicular movement. Dead end alleys shall be prohibited. All half alleys shall have a minimum width of 12 feet.

C.1.1

TOWN OF PAYSON
STREET DESIGN STANDARDS (11)

ITEM / TYPE OF USE	PRINCIPAL ARTERIAL(1)	MINOR ARTERIAL	COLLECTOR	ZONING					CUL DE SAC BUBBLE	COMMERCIAL
				R2, R3	R1-6, & 8	R1-10 & 12	R1-18 & 90	R1-175		
MINIMUM RIGHT OF WAY	PER A.D.O.T.(1)	80'	80'	60'	60'	60'	60'	60'	50' R	60'
MINIMUM ROADWAY WIDTH	PER A.D.O.T.(1)	42' B/C-B/C	36' B/C-B/C	33' B/C-B/C	33' B/C-B/C	28' B/C-B/C	24' B/C-B/C	24' EP-EP	40' RBC	33' B/C-B/C
PAVEMENT EDGE TREATMENT	7" ADOT C&G	6" VERT. C&G	6" VERT. C&G	4" ROLL C&G (2)	4" ROLL C&G (2)	4" ROLL C&G (2)	2' RIBBON CURB	MARICOPA EDGE	SAME AS STREET	4" ROLL C&G (2)
SIDEWALK	6' MIN EACH SIDE	5' MIN (3) EACH SIDE	5' MIN (3) EACH SIDE	5' MIN (3) EACH SIDE	5' MIN (3) EACH SIDE	4' MIN (3) EACH SIDE	NONE (4)	NONE (4)	SAME AS STREET	4' MIN (3) EACH SIDE
ASPHALTIC CONCRETE	PER A.D.O.T.	3" (5)	3" (5)	2" (5)	2" (5)	2" (5)	2" (5)	2" (5)	SAME AS STREET	3" (5)
ROADWAY BASE	PER A.D.O.T.	8" (6)	8" (6)	6" (6)	6" (6)	6" (6)	6" (6)	6" (6)	SAME AS STREET	6" (6)
LONGITUDINAL SLOPE	PER A.D.O.T.	0.2%-6.0%	0.2%-8.0%	0.2%-12.0% (7)	0.2%-12.0% (7)	0.2%-12.0% (7)	0.2%-12.0% (7)	0.2%-12.0% (7)	8.0%	0.2%-12.0% (7)
CROSS SLOPE	PER A.D.O.T.	2%-4%	2%-4%	2%-4%	2%-4%	2%-4%	2%-4%	2%-4%	2%-4%	2%-4%
CURB RETURN RADIUS	PER A.D.O.T.	30'	30'	25'	25'	25'	25'	25'	49'	25'
RIGHT OF WAY RADIUS	PER A.D.O.T.	12'	12'	12'	12'	12'	12'	12'	45' R	12'
MINIMUM CENTER LINE RADIUS	PER A.D.O.T.	500'	500'	150'	150'	150'	150'	150'	N/A	150'
TANGENT BETWEEN REVERSE CURVES	PER A.D.O.T.	100' (8)	100' (8)	100' (9)	100' (9)	100' (9)	100' (9)	100' (9)	N/A	100' (9)
VERTICAL CURVES: ALGEBRAIC DIFFERENCE EXCEEDS:	PER A.D.O.T.	0.4%	0.4%	2.0%	2.0%	2.0%	2.0%	2.0%	N/A	2.0%
VERTICAL CURVES: MINIMUM LENGTH	PER A.D.O.T.	100' (10)	100' (10)	50' (10)	50' (10)	50' (10)	50' (10)	50' (10)	N/A	50' (10)
ON STREET PARKING	NO	NO	NO	YES	YES	ONE SIDE	NO	NO	SAME AS STREET	NO
ADT (FOR GENERAL INFORMATION ONLY-NOT FOR DESIGN)	>3000	1000-3000	250-1000	<500	<500	<250	<250	<250	SAME AS STREET	<500

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TOWN OF PAYSON
STREET DESIGN STANDARDS
NOTES

(1) Currently, all principal arterial routes are state highways owned and maintained by ADOT.

(2) Vertical curb and gutter may be required if storm drainage cannot be contained within the roll curb and gutter.

(3) Sidewalk may be required on only one side of the road with an increased width if approved by the Planning and Zoning Commission and Public Works Department. Also, see note (4).

(4) A minimum 4 foot wide shoulder is required if no sidewalk is installed. This shoulder shall maintain the same slope as the pavement and shall be constructed of ABC, granite or approved equal.

(5) Asphaltic concrete thickness to be as recommended in the geotechnical report for each project or the specified minimum, whichever is greater.

(6) ABC thickness to be as recommended in the geotechnical report for each project or the specified minimum, whichever is greater. No ABC is required if a full depth asphalt or portland cement concrete alternative section as recommended in the geotechnical report is used.

(7) Maximum longitudinal slopes of up to 18% may be used for a distance not to exceed 300 feet if existing terrain dictates and approved by the Town Public Works Department.

(8) The tangent between reverse curves may be reduced to 50 feet if the centerline radius exceeds 750 feet.

(9) The tangent between reverse curves may be reduced to 50 feet if the centerline radius exceeds 250 feet or if approved by the Town Public Works Department.

(10) The acutal length of a vertical curve shall be determined using AASHTO standards but shall not be less than 100 feet for arterials and collectors and 50 feet for residential streets.

(11) These standards are primarily for new roadway construction. These standards may be adjusted on projects involving rehabilitation of existing improvements if approved by the Public Works Department.

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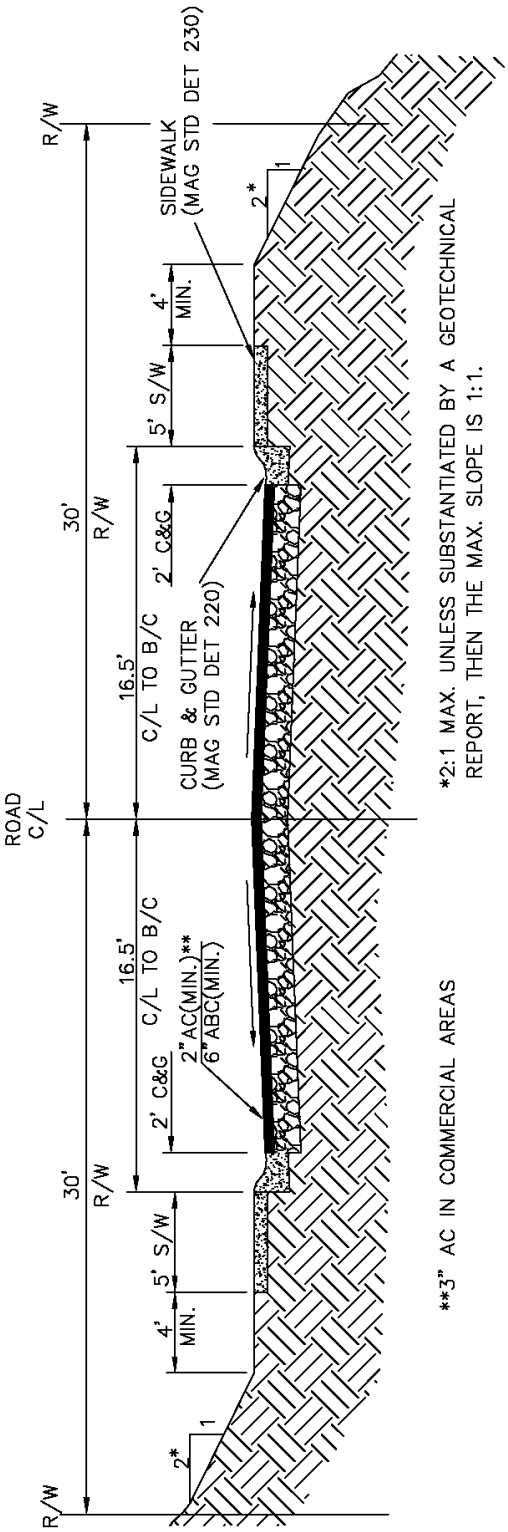
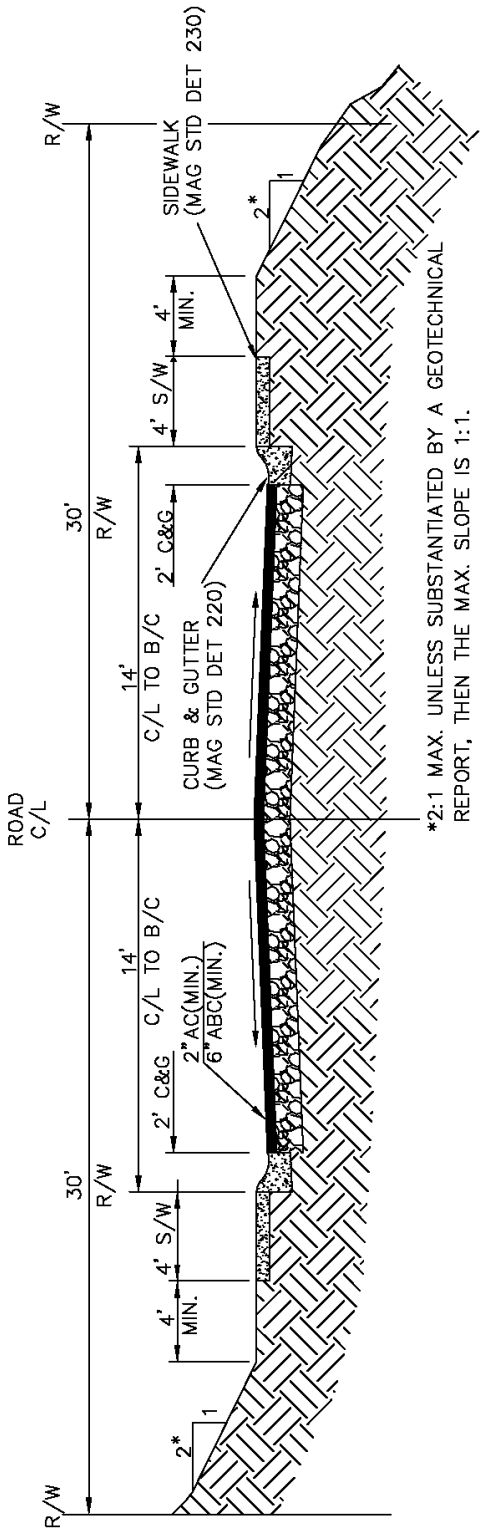


TYPICAL RESIDENTIAL STREET SECTION

R1-6, R1-8, R2 & R3 DENSITIES AND COMMERCIAL



TYPICAL RESIDENTIAL STREET SECTION

R1-10, R1-12 DENSITIES

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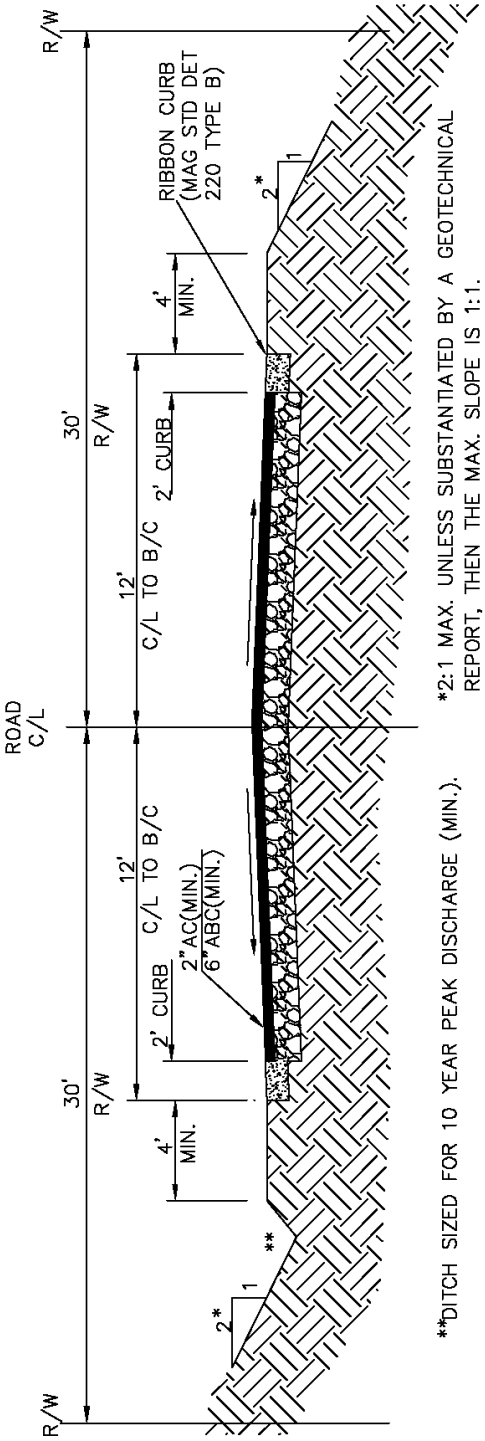
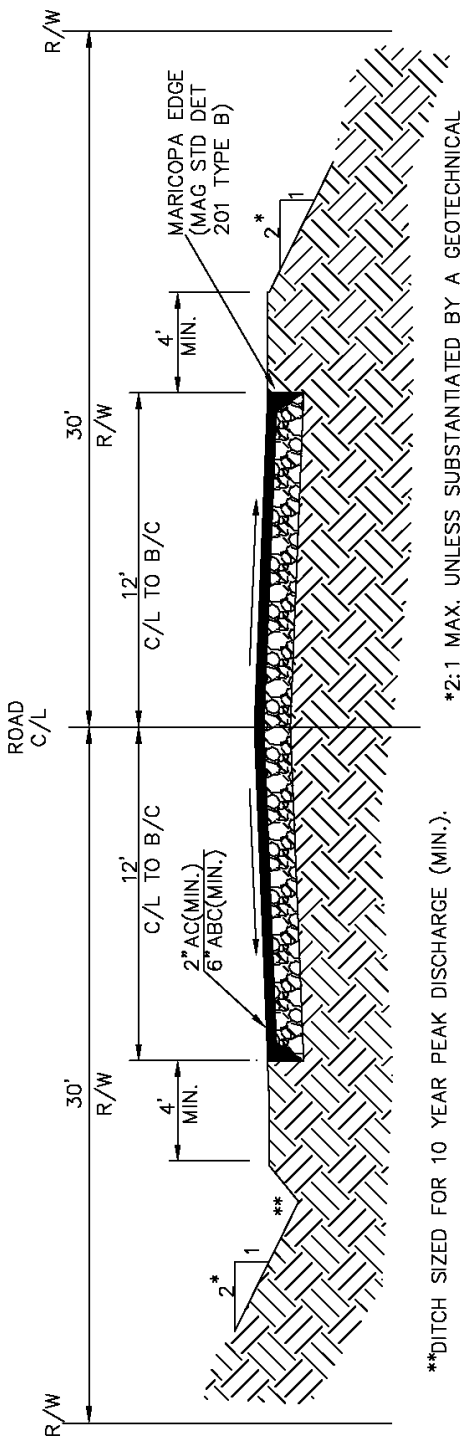


**DITCH SIZED FOR 10 YEAR PEAK DISCHARGE (MIN.).

*2:1 MAX. UNLESS SUBSTANTIATED BY A GEOTECHNICAL REPORT, THEN THE MAX. SLOPE IS 1:1.

TYPICAL RESIDENTIAL STREET SECTION

R1-18 TO R1-90 DENSITIES



**DITCH SIZED FOR 10 YEAR PEAK DISCHARGE (MIN.).

*2:1 MAX. UNLESS SUBSTANTIATED BY A GEOTECHNICAL REPORT, THEN THE MAX. SLOPE IS 1:1.

TYPICAL RESIDENTIAL STREET SECTION

R1-175 DENSITY

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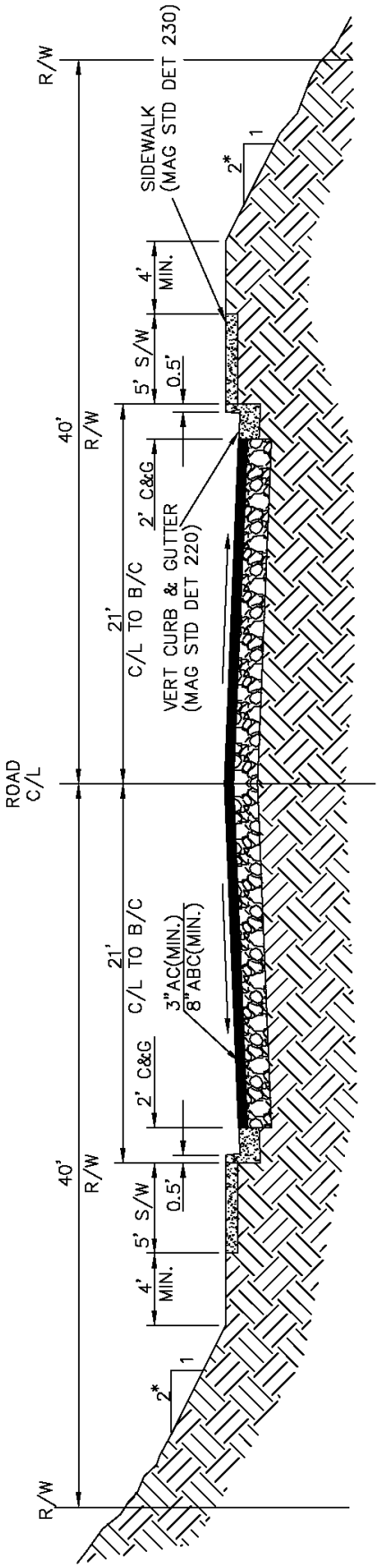
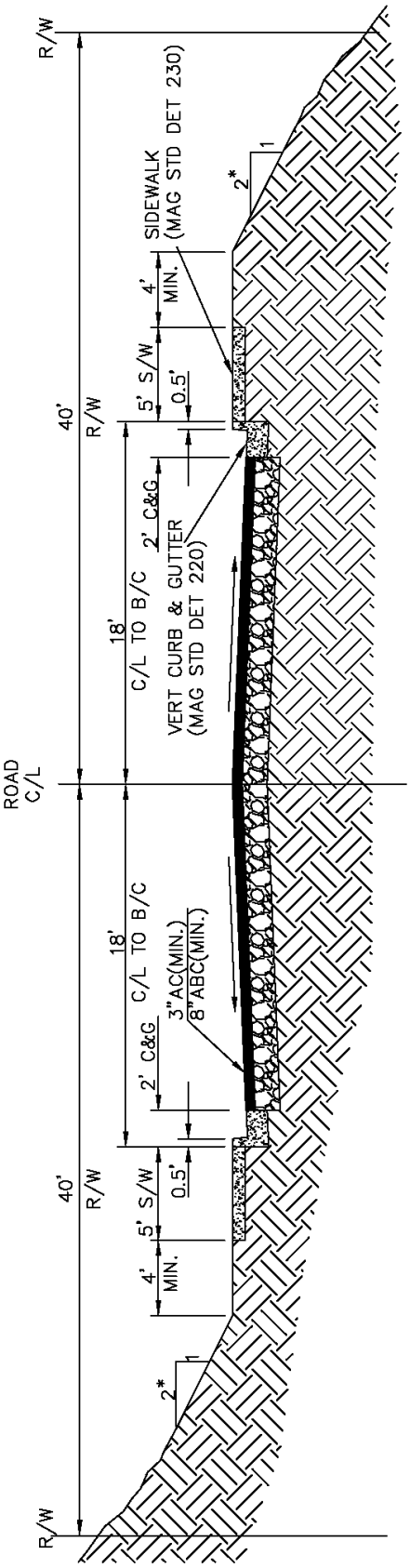


*2:1 MAX. UNLESS SUBSTANTIATED BY A GEOTECHNICAL REPORT, THEN THE MAX. SLOPE IS 1:1.

TYPICAL MINOR ARTERIAL SECTION



*2:1 MAX. UNLESS SUBSTANTIATED BY A GEOTECHNICAL REPORT, THEN THE MAX. SLOPE IS 1:1.

TYPICAL COLLECTOR SECTION

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2. Grades:
   a. Maximum:
      (1) Collector street 8%
      (2) Local residential streets 12%
      (Maximum longitudinal slopes of up to 18% may be used for a distance not to exceed 300 feet if existing terrain dictates, and approved by the Public Works Department)
      (3) Cul-de-sacs 8%
      (4) Arterial routes: as determined by the Public Works Department.
   b. Minimum: all streets shall have a minimum longitudinal slope of 0.20%
   c. Desirable: All Streets 6%
   d. Exceptions may be made by the Planning and Zoning Commission upon review and approval of the Public Works Department.
3. Vertical Curves:
   a. Arterial routes: as determined by the Public Works Department.
   b. Collector and minor streets: minimum length, one hundred feet, except in cases approved by the Public Works Department.
   c. If a grade break differential of over 0.4% exists on arterial or collector streets or 2.0% on a local street, a vertical curve shall be provided.
4. Horizontal Alignment:
   a. Arterial routes: as determined by the Public Works Department.
   b. When tangent center lines deflect from each other more than ten degrees and less than ninety degrees, they shall be connected by a curve with a minimum centerline radius of five hundred feet for collector streets, of one hundred fifty feet for local streets.
   c. Between reverse curves there shall be a tangent section of centerline not less than 100 feet long, unless the radius exceeds 750 feet on collector streets or 200 feet on local streets, in which cases 50 feet of tangent shall be required, unless otherwise approved by the Public Works Director.
   d. Streets intersecting on arterial routes shall do so at an angle which shall not vary from ninety degrees by more than four degrees; intersections of local streets shall not vary from 90 degrees by more than ten degrees.
   e. Street jogs with centerline offsets of less than one hundred twenty-five feet shall be avoided unless otherwise approved by the Public Works Department.
   f. Minor streets intersecting a collector street or arterial route shall have a tangent section of centerline at least 150 feet in length measured from the right-of-way line of the major street; except that, no such tangent is required when the minor street curve has a centerline radius greater than 400 feet with the center located on the major street right-of-way line. Where topographic conditions make necessary other treatment to secure the best overall design, these standards may be relaxed by the Public Works Department and the Planning and Zoning Commission.
   g. Street intersections with more than four legs and Y-type intersections where legs meet at acute angles shall be avoided.
   h. At street intersections, property line corners shall be rounded by circular arc, said arc having a minimum radius length of 12 feet.

5. Private Streets: Private streets shall be constructed to conform to current Town of Payson street standards.

D. Block Design

1. Maximum length of blocks, measured along the centerline of the street, and between intersecting street centerlines, 1,500 feet; except that in development with lot areas averaging one-half acre or more or where conditions warrant, this maximum may be exceeded by 500 feet. Blocks shall be as long as reasonably possible under the circumstances within the above maximum in order to achieve depth and possible street economy and to reduce the expense and safety hazard arising from excessive street intersections.
2. Maximum length of cul-de-sac streets: six hundred feet, measured from the intersection of right-of-way lines to the extreme depth of the turning circle along the street centerline. Exceptions may be made where topography, adjacent platting or other unusual conditions justify such. No exception shall be made merely because the tract has restrictive boundary dimensions, wherein provisions should be made for extension of street pattern to the adjoining unplatted parcel and a temporary turn around installed.
3. Pedestrian ways with a minimum right-of-way of eight feet may be required where essential for circulation or access to schools, playgrounds, shopping centers, transportation, and other community facilities. Pedestrian ways may be used for utility purposes.

E. Lot Planning

1. In General:
   a. Lot width, depth, and area shall comply with the minimum requirements to the zoning Section of this Code.
   b. Where steep topography, unusual soil conditions, drainage problems, abrupt changes in land use or heavy traffic on adjacent streets prevail, the Planning and Zoning Commission may make special lot width, depth, and area requirements which exceed the minimum requirements of the particular zoning district.
2. Proposed streets shall be arranged in close relation to existing topography. Where steep topography prevails, as in the platting of hillside subdivisions, and where street grades must of necessity reach or exceed the standard requirement, the requirements of Section 15-07-002.H of this Code may be required.
3. The depth-to-width ratio of the usable area of the lot shall not be greater than three to one.
4. Minimum front building lines shall conform to the minimum requirements of the specified zoning district.
5. Side lot lines shall be substantially at right angles or radial to street lines, except where other treatment may be justified in the opinion of the Planning and Zoning Commission.
6. Every lot shall abut on streets and provide satisfactory access in accordance with Section 15-02-003A.4 and as otherwise specified in this Code.
7. Single family residential lots extending through the block and having frontage on two parallel streets shall not be permitted; back of lots to thoroughfares shall be prohibited and non-vehicular access easement shall be designated in accordance with this Code.
8. A separate engineered grading, drainage and erosion control plan shall be submitted and approved prior to building construction for all lots exceeding 20% slope. The subdivider or

his engineer shall provide a drawing to the Public Works Department showing the location of all areas exceeding 20% slope prior to final plan approval.

F. Easement Planning

1. Easements for utilities shall be provided as follows:
   a. Where alleys are provided: four feet for aerial overhead on each side of alley shall be provided by dedication.
   b. Along side lot lines: six feet on each side of lot lines for distribution facilities and one foot on each side of lot lines for street lighting as may be designated.
   c. Guy and anchor easements: one foot wide on each side of lot line, or two feet wide on one side of lot line, and approximately 35 feet in length measured from the rear lot line as designated.
   d. Along all street frontage: eight foot public utility easement for use by all utilities.
2. For lots facing on curvilinear streets, utility easements or alleys may consist of a series of straight lines with points of deflection not less than one hundred twenty feet apart. Points of deflection should always occur at the junction of side and rear lot lines on the side of the exterior angle. Curvilinear easements or alleys may be established, providing the minimum radius for the alley or easement shall be not less than 800 feet, except that 450 feet radii curves may be allowed where there are adequate provisions for utilities.
3. Where a stream or important surface drainage course abuts or crosses the tract, or where drainage leaves a public right of way, a dedication of a public drainage easement of a width sufficient to permit widening, deepening, relocating, or protecting said water course shall be required.
4. Land within a public street or drainage easement or land within a utility easement for major power transmission (tower) lines or pipe lines shall not be considered a part of the minimum required lot area except where lots exceed one-half acre in area. This shall not be construed as applicable to land involved in utility easements for distribution or service purposes.
5. Except where alleys are provided, new lots shall have the rear eight feet recorded as a utility easement, if any utilities are to be located along the rear lot line, subject to approval of the Public Works Department.

G. Street Naming

Subdivider shall propose the street names subject to the approval by the Police, Fire, and Community Development Departments at the tentative plat stage.

H. Hillside Properties

1. <u>Applicability</u>

   All new properties created after the effective date of the original "Hillside Grading Requirements" effective August 8, 1999, with a slope of 15% or greater on 50% or more of the total area of the property. These regulations shall apply to all properties reconfigured by Lot Line Adjustment, or created by Minor Land Division or Subdivision Plat.
2. <u>Development Policies</u>

   The following general development policies shall be used for developing all properties on which the Hillside regulations apply:

a. All vegetation, including plants, trees and grasses shall be preserved to the best extent possible to reduce scarring, storm water runoff, and preservation of the natural environment.
b. Building and other structures shall be designed with terracing-like features which follow the original contours of the site thereby discouraging high protruding structures which will dominate hillside areas and negatively impact the scenic quality. Where possible, structures are to be constructed so that the roof lines are below ridge lines.
c. Grading shall be kept to a minimum, attempting to conform to the natural contours of the land, and sharp angles at the top and ends of cut and fill slopes shall be rounded in a natural manner.
d. Replacement vegetation shall be planted on all cut and fill slopes to prevent erosion and enhance the natural beauty.
e. Natural drainage ways shall be preserved to the best extent reasonable.
f. Geological formations, such as rock outcrops, shall be preserved whenever reasonable.
g. Utilities and other infrastructure necessary for development will be installed in a manner and location which protects and preserves hillside areas.

3. Determination of Slope Percentage and Area

The location of the 15% and greater slopes shall be determined by a computer slope analysis program using software approved by the Town of Payson Town Engineer. The area of slope of 15% or greater shall be determined for each parcel, tract or lot created. If the area of 15% or greater slope exceeds 50% of the total parcel, tract or lot area, that property shall be considered a “Hillside” property and shall be developed in accordance with the requirements of this section.

Manmade areas of disturbance in place prior to the property potentially being designated as a “Hillside” property may be ignored when calculating the area of slope over 15%.

NOTE: A property may be exempt from the requirements of this section if all of the following items are complied with:

1. The Lot Line Adjustment Map, Minor Land Division Map or Subdivision Plat depict an allowable restricted building envelope on the property that is substantially more restrictive than the standard building setback areas; and
2. The area of slope greater than 15% within the restricted building envelope is less than 50% of the restricted building envelope; and
3. The restricted building envelope is not adjusted to increase the 15% or greater slope area of the restricted building envelope to more than 50% of the restricted building envelope.

4. Development Standards and Regulations for Single Family Residential Properties 8,000 Square Feet or Larger

The development standards regulations in this section are for single family residential properties. Development standards and regulations for smaller single family, multi-family, and commercial properties are in Paragraph 7.

a. Clearing and Grubbing
   (1) No clearing, grubbing, or brushing is allowed on “Hillside” Properties without a grading permit.

b. Grading:

(1) Grading is any excavation or embankment or combination thereof.

(2) The amount of area allowed to be disturbed on a “Hillside” property, excluding the disturbed area under a roof, open deck or porch, and the driveway surface area, shall be no more than 10% of the total lot area. Any grading on a “Hillside” property in conjunction with the construction of roadways, drainage facilities, utilities, etc. for an overall development shall be included in the amount of allowable disturbed area of the parcel.

(3) An Engineered Grading and Drainage Plan shall be prepared and sealed by an Arizona Registered Professional duly licensed to prepare such plans by the Arizona State Board of Technical Registration for each “Hillside” property in accordance with these requirements and the requirements of the Town of Payson Grading and Drainage Manual. This plan shall be approved by the Town of Payson Engineering Department prior to the issuance of a building permit and prior to any type of brushing or grading proceeding on the property.

(4) The Engineered Grading and Drainage Plan shall include at a minimum the following information:

I. Existing Topography including contour lines, trees 6" in diameter at 4.5' above the ground, major geologic features, adjacent roadway and improvements, existing utilities, etc. Also include the location of any existing disturbance on a “Hillside” property in conjunction with the construction of roadways, drainage facilities, utilities, etc. for an overall development.

II. Proposed elevations of all constructed items and grading such as finished floor (FF), all finish grades, driveways, walkways, retaining walls, etc.

III. Location of all structures, decks, underground utility service lines, retaining walls, walkways, driveways, curbs, hand railings, fences, slopes, and similar related items.

IV. A calculation showing the amount of allowable graded area of the lot, the amount of disturbed area excluded from the grading calculations, and the disturbed area outside the excluded area.

V. A line on the grading plan shall depict the maximum limits of disturbance of the property. A temporary fence, 3' high minimum, shall be constructed on the property coincident with the maximum limits of disturbance line shown on the grading plan prior to any clearing, grubbing or grading of the property.

VI. Proposed landscaping of all disturbed areas in accordance with paragraph 4f of this section. The landscaping may be shown on a separate plan sheet for clarity.

VII. Appropriate and adequate details to ensure that construction will be completed in accordance with the intent of the original plan.

(5) The fence identified in Paragraph 4-V above shall be installed by the contractor and approved by the Town of Payson Engineering Department immediately prior to the issuance of a Grading Permit. This fence shall remain in place until after the final inspection of the grading by the Engineering Department.

(6) Generally, retaining walls shall not be higher than 6 feet. However, retaining walls may be up to 8 feet high if located in the rear of the structure and hidden from view from the roadway and adjacent lots. If terraced retaining walls are used, additional

retaining walls shall be set back from the first wall a minimum of four feet horizontally. Terraced retaining walls over four feet in height shall be set back an additional one foot horizontal for every one foot vertical.

Retaining walls shall be constructed of concrete, masonry, stacked rock, mechanically stabilized earth (MSE), or other methods as shown on the approved Grading Plan. The retaining wall design and coloring shall be part of the approved Grading Plan. Exposed retaining walls shall be colored to blend in with the natural environment and/or screened with indigenous vegetation prior to issuance of a Certificate of Occupancy.

c. Utilities:
   (1) Utility service lines, including but not limited to electrical, telephone, water, sewer, gas and CATV, shall be installed underground.
   (2) The underground utility service lines shall be installed in a location that will not disturb additional area outside the allowable disturbed area as shown on the approved grading plan. It is recommended that these utility lines be installed parallel to and adjacent to the driveway to reduce the amount of disturbed area.
   (3) Area disturbed by the installation of utility service lines shall be within the fenced area required in paragraph 5 above and will count toward allowable disturbed area.
d. Driveways and Walkways:
   (1) Driveways shall be located in such a manner as to minimize the amount of disturbed area. The area of the driving surface is exempt from the allowable disturbed area calculations. However, all grading for slopes, retaining walls, etc. adjacent to the driveway driving surface is counted in the allowable disturbed area.
   (2) Shared driveways between adjacent properties are encouraged. If the shared driveway concept is used, each affected lot may receive credit for the additional undisturbed area created by using the shared driveway concept. The credit shall be the difference between the estimated area that would have been constructed as driveway surface if the individual driveway option were used and the actual driveway surface of the shared driveway on the property.
   (3) A safety curb shall be installed along the edge of all fill slopes along driveways any time a retaining wall is constructed adjacent to the driveway and the vertical drop is 18" or greater. No curb is required if a minimum 3' wide safety shoulder is provided.
   (4) Walkways and sidewalks shall be constructed so as to minimize the amount of disturbed area. All grading, slopes, walkway surface, etc. shall be counted as part of the disturbed area. The surface area of the sidewalk connecting the driveway and front door is exempt from the disturbed area. A handrail in accordance with applicable building codes shall be installed along sidewalks and walkways any time a retaining wall is constructed within 2' of a sidewalk and the vertical drop is 30 inches or greater.
e. Cut and Fill Slopes:
   (1) The maximum vertical height of any cut or fill slope shall not exceed 12'.
   (2) The slope of new cut surfaces shall not exceed 2' horizontal to 1' vertical unless deemed stable by an Arizona Registered Professional competent in the geotechnical area.

(3) The slope of new fill surfaces shall not exceed 3' horizontal to 1' vertical unless protected from erosion by appropriate rip-rap. The slope of rip-rapped protected surfaces shall not exceed 2' horizontal to 1' vertical.

(4) All cut and fill slopes and all areas backfilled against retaining walls shall be re-vegetated in accordance with paragraph 4f of this section.

f. Re-vegetation of Graded Areas:

(1) All plants used for re-vegetation of the disturbed area shall be listed on the Town of Payson Low Water Plant Use List.

(2) Whenever possible, existing trees with 6" or greater trunk diameter at 4.5' above the ground that must be removed for the site construction are to be salvaged and replanted in areas requiring re-vegetation.

(3) Plants used shall be appropriate to aid in erosion control on the disturbed areas.

(4) Re-vegetation landscaping shall consist of at least one tree (15 gallon minimum size with a minimum trunk diameter of 2" at the soil level) and four shrubs (5 gallon minimum size) per each 200 square feet of disturbed area.

(5) An appropriate drip irrigation system shall be installed with the landscaping and the property owner shall be responsible to keep the landscaping in living condition.

(6) All landscaping and irrigation must be in place prior to final inspection and approval.

(7) A landscaping plan meeting the above criteria must be submitted with the hillside grading plan.

5. Hardship Conditions and Violation Remedies

In extreme conditions it may be impractical to meet the above requirements. At the sole discretion of the Town of Payson Town Engineer, if it is impractical to stay within the 10% disturbed area limits any one or combination of the following options may be used to approve the Grading Plan:

a. Disturbed areas caused in conjunction with the construction of roadways, drainage facilities, utilities, etc. for the overall development may be declared exempt from the amount of allowable disturbed area of the parcel.

b. Additional area in excess of the allowable 10% disturbed area may be allowed if the additional disturbed area is landscaped to the following requirements: Two trees (15 gallon minimum with a minimum trunk diameter of 2") and eight shrubs (5 gallon minimum size) per each 300 square feet of disturbed area.

c. Allow credit for construction of driveways, walk ways or similar type construction that disturbs substantially less area than would normally be expected.

d. Allow credit for other acceptable solutions as approved by the Town of Payson Town Engineer.

6. Final Approval

Upon completion of all construction the contractor and/or owner shall request a final inspection from the Town of Payson Engineering Department.

If all grading is in conformance with the approved grading plan, the Engineering Department shall approve of the Certificate of Occupancy. If during the final inspection of the grading and drainage it is determined that the field construction is not in accordance with the approved plan, the Engineering Department may exercise any or all of the following options:

(1) Require remedial action to bring the field grading and drainage into compliance with the approved plan;

(2) Require an "As-Built" plan, including updated disturbed area calculations, to determine if the field conditions are in compliance with all the requirements of this Section. If it is determined from the "As-Built" plan that the construction on a particular property is not in compliance with these requirements, the Registered Professional shall prepare a revised design to bring the property into compliance. Upon approval by the Town of the revised plan, all construction must be completed on the property prior to issuance of a Certificate of Occupancy.

(3) Issue a citation for violating the provisions of this Section. The Engineering Department may not approve a Certificate of Occupancy, Temporary or Permanent, for any property in violation of these requirements.

7. <u>Single Family Lots Less Than 8,000 Square Feet, Multi-Family and Commercial Developments</u>

The following general development policies shall be used for developing all multi-family and commercial properties on which the Hillside regulations apply:

a. Single Family Lots Less Than 8,000 Square Feet

(1) Graded area may exceed the amount of allowable graded lot area as defined in Paragraph 4(b)(2) if both of the following criteria are met:

I. The lot is located in a development that has identified undisturbed public open space that is designated a "Natural Area Open Space".

II. The total square footage of the graded lot area that exceed the maximum allowed in Paragraph 4(b)(2) for all lots in the development does not exceed the total area of the property described in Paragraph 7(1)(I).

(2) If the single family lot less than 8,000 square feet does not meet the criteria of Section 7 a (1) I and II, it shall be graded in accordance with Section 4 of the Hillside Grading Code.

b. Condominium, Apartment, and Commercial Developments

(1) All areas outside the building envelope(s) and parking areas, vegetation, including plants, trees and grasses shall be preserved to the best extent possible to reduce scarring, storm water runoff, and preservation of the natural environment.

(2) Where feasible, structures shall be designed with terracing-like features which follow the original contours of the site thereby discouraging high protruding structures which will dominate hillside areas and negatively impact the scenic quality.

(3) Grading, outside the building envelope(s) and parking areas shall be kept to a minimum.

(4) Replacement vegetation shall be planted on all cut and fill slopes to prevent erosion and enhance the natural beauty.

(5) Geological formations and natural drainage ways shall be preserved to the best extent reasonable.

(6) Utilities and other infrastructure necessary for development shall be installed underground in a manner and location which protects and preserves hillside areas.

8. Hillside Grading Violations
   Property owners and/or contractors cited for violation of these grading requirements and who do not remedy the situation within 15 calendar days shall be subject to penalties as stated in Section 10.99 of Town of Payson Code.

I. Landscaping

1. All common public areas shall be landscaped as required in this Article, Article 15-03, and as otherwise required in this Code, at the subdivider's expense.
2. Street trees shall be supplied by the subdivider, a minimum of one per lot or one tree per 75 linear feet of street frontage, whichever is less, of native species, configuration within the public right-of-way, or within the front yard where the right-of-way is prohibitive, and a minimum of two feet from the side lot line. Tree sizes shall be a minimum 15 gallon and a minimum one inch trunk caliper.
3. All landscaping and street trees shall be supplied and installed according to the landscape plan approved by the Community Development Director.
4. Improvements within all zones in the Town shall be in conformance with the Landscaping and Buffering requirements of this code, and shall require a tree conservation and salvage plan that will assure minimum impact on native tree and plant species.

J. Performance Contract

1. Agreement by Subdivider: Upon approval of the Council of the final plat, the subdivider shall execute an agreement relating to the following:
   a. Subdivision improvements may be constructed in practical increments or lots as specified by the subdivider, subject to provisions for satisfactory drainage, traffic movements and other services, as determined by the Public Works Department.
   b. The improvements shall be constructed in accordance with plans approved by the Town Water Department for water and public sewer facilities and by the Public Works Department for all other improvements. Sanitary sewer improvements must also be approved by the Northern Gila County Sanitary District.
   c. The improvements shall be completed within an agreed period for each increment, provided that an extension of time may be granted under conditions specified. Improvements within the public right-of-way shall be completed within two years of the date of the approval of the final plat by the Town, unless extended by Council action.
   d. The subdivider shall give adequate assurance of construction of each increment in accordance with subsections 1 and 2 of this Section.
   e. Progress payments may be made to the subdivider on his order from any cash deposit made pursuant to subsection 2 of this section. Such progress payment shall be made in accordance with standards established with the Public Works Department.
   f. Any work abandoned or not completed by the subdivider may be completed by the Town, which shall recover such construction costs from the subdivider.
   g. Construction of all improvements within the streets and easements shall be subject to inspection by the Public Works Department and such other departments as are necessary.
   h. No building or residence shall be occupied as a residence or issued a certificate of occupancy until all public right-of-way and utility improvements required by this Code

have been completed and accepted by Council, and no grading, drainage work, or construction shall start until a permit has been issued for such work.

i. Upon transfer of ownership of an unimproved part or parcel of the platted subdivision to another party, the new owner shall be responsible for fulfillment of all obligations of development of the property in compliance with this Code and all existing agreements and conditions imposed on the original subdivider and developer.

j. No construction, grading, tree removal, or drainage improvements shall commence until the appropriate permits are obtained from the Town, and adequate assurances are provided.

2. Assurance of Construction

a. To insure construction of the required improvements, as above set forth in this section, the subdivider shall deposit with a mutually agreed upon escrow agent, banking institute, or manner acceptable with the Public Works Department, an amount in cash or a surety bond, equal to the amount of the cost of the work of each recorded increment, plus an additional ten percent for changes and an additional three percent for a deposit on inspection fees, as determined by the Public Works Department, guaranteeing that the work will be completed in accordance with the Town Code, other pertinent regulations and agreed upon details and specifications.

b. The surety bond shall be executed by the subdivider, as principal, with a corporation duly authorized to transact surety business in the State of Arizona, as surety. The bond shall be in favor of the Town, shall be continuous in form and shall be conditioned that the total aggregate liability of the surety for all claims shall be limited to the face amount of the bond, irrespective of the number of years that the bond is enforced. The bond or cash shall be released upon satisfactory performance and acceptance of the work by the Public Works Department, or the bond may be canceled or the cash withdrawn by the subdivider, provided that other security satisfactory to the Town has been deposited, which will cover the obligations of the subdivider, which remain to be performed.

3. Assurance of Construction through Loan Commitments

In lieu of providing assurance of construction in the manner provided above in this section, the subdivider may provide assurance of construction of subdivision improvements of the recorded plat by delivering to the Public Works Department, prior to the recording of said plat, an appropriate agreement between an approved lending institution and the subdivider, stating that funds sufficient to cover the entire cost of installing the subdivision improvements, including engineering and inspection costs, and the cost of replacement or repairs of any existing streets or improvements damaged by the subdivider in the course of development of the subdivision, in an amount approved by the Public Works Department, have been deposited with such approved lending institution, or have been committed to be loaned by such lending institution to the subdivider. Such agreement shall provide that such funds in the stated amount are specifically allocated and will be used by or on the behalf of the subdivider, only for the purpose of installing subdivision improvements. The Town shall be the beneficiary of such an agreement, or the subdivider's rights shall be assigned to the Town, and the Public Works Department shall approve each disbursement of any such funds. The agreement may also contain terms, conditions, and provisions normally included by such lending institutions in loan commitments for construction funds, or as may be necessary to comply with statutes and regulations applicable to such loaning institutions.

K. Private Lot Development

1. Plan Review Services for Private Lot Development - Requests for plan review services to develop on individual lots by private lot owners may be submitted to the Community Development Department, with the appropriate plan review fees after approval of final plat and the provision of adequate assurances for the subdivision.
2. Building Permits for Private Lot Development - Building permits will not be issued for private lot development until all improvements have been inspected by the Public Works Director or his designee and accepted by the Town Council. The following exceptions shall be provided:
   a. Office facilities for marketing and construction management for the subdivision may be permitted and construction commenced after final plat approval and appropriate permits are issued. Permits will only be issued to the Developer of record.
   b. Adequate fire protection must be available and approved by the Town of Payson Fire Chief prior to the issuance of any permits.

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15-07-003 Street and Utility Improvement Requirements

A. Purpose

1. The purpose of this section is to establish the minimum acceptable standards for improvement of public streets and utilities, to define the responsibility of the subdivider in the planning, constructing, and financing of public improvements and to establish procedures for review and approval of engineering plans.
2. All improvements required in streets, alleys, or easements which are required as a condition to plat approval shall be the responsibility of the subdivider, provided, however, the subdivider may be allowed to meet the requirements by participation in an improvement district approved by the Town.

B. Engineering Plans

1. The subdivider shall have a complete set of engineering plans and specifications prepared by a registered civil engineer who is currently registered in the State of Arizona, and submit such plans to the Public Works Department for approval. Such plans and specifications shall be based on the approved preliminary plat and shall be prepared in conjunction with the final plat.
2. Final engineering plans shall be approved by the Public Works Department prior to recordation of the final plat. This final plan approval is valid for a period of one year. If construction is not started prior to the plan approval expiration, the plans shall be resubmitted to the Public Works Department for an update approval according to current standards and guidelines. If, after construction has begun on a project and has stopped for any reason for a period of one year or more, the plan approval becomes invalid. The plans must be submitted for update approval prior to restarting construction, The plans will be reviewed for compliance with current standards and requirements.
3. Improvement plans shall include plans, profiles and typical street sections which contain the following minimum information:
   a. The cover sheet shall include at least the following information;
      (1) Name and type of plan;
      (2) Vicinity map;
      (3) Location map;
      (4) Benchmarks approved by the Town of Payson;
      (5) Basis of bearing for the project;
      (6) Name, address and phone number of subdivider;
      (7) Name, address, phone number, and professional seal of engineer preparing plans;
      (8) List of utility agencies serving the proposed development;
      (9) Plan sheet index;
      (10) Approval signature block of the Town of Payson Public Works Department and Northern Gila County Sanitary District;
      (11) Bluestake note.
   b. Plans shall include at least the following information;
      (1) Street names;
      (2) A north arrow and graphic on each plan sheet;
      (3) Lateral dimensions of streets and rights-of-way, including pertinent survey data and curb return data;

(4) Location of existing and proposed utilities being designed and existing streets to be joined;
(5) Drainage structures, including cross gutters, culverts, catch basins, or similar items. Show a positive outlet for all drainage and the mean flows leaving the site are not increased and will not have a negative impact on the downstream property in the drainage report. All concentrated drainage flowing from public right-of-way onto public property must have a drainage easement to flow into.
(6) Curb, gutter, sidewalks and asphalt structures;
(7) Survey monument location to be set, existing control monuments to be referenced prior to destruction and all bench marks used;
(8) New traffic control devices, all existing traffic control devices within the area of the project, and changes in traffic control devices in the vicinity of the project which are required as a result of the project;
(9) The top and toe of slopes for both cuts and fills shall be shown if the project extends outside of the right-of-way limits;
(10) Location of all existing and proposed water lines, water valves, water meters, water service lines, fire hydrants, sewer manholes, sewer services, storm drains and street lights shall be shown on the plans;
(11) Construction notes indicating any and all construction items for utilities, paving, storm drainage, etc.;
(12) Town of Payson current general notes for construction;
(13) A master utility layout showing waterlines, water valves, air relief valves, fire hydrants, sewer lines, and manholes shall be included as a plan sheet;
(14) A plan sheet showing the location of all traffic control signs shall be included as a plan sheet;
(15) Additional information needed to clarify plans or deal with specific conditions.

c. Profiles shall include at least the following information;
(1) Bench marks, including description, location and elevation;
(2) Existing and finished grade profiles. Profiles of center line and right and left gutter control line or edge of pavement are required. The presentation must clearly show and distinguish existing profiles and other profile information;
(3) Finished elevations including BVC, PI, and EVC of vertical curves, vertical intersection points, curb returns, match lines and all other points needed for vertical control of construction;
(4) Slopes and vertical curve lengths;
(5) Curb return profiles at intersections;
(6) Drainage structures and utilities;
(7) Extension of the improvement project as required to assure that the design is compatible with future extensions;
(8) Consistent stationing throughout the plans;
(9) Additional information needed to clarify profiles or deal with special conditions, i.e., profile or drainage channels, stationing and elevations at beginning and end of all curb returns, grade breaks and beginning and end of construction.

d. Cross-Section shall include at least the following;

(1) Typical street cross-sections are needed for each condition encountered and each should be clearly identified as to where it applies;
(2) Materials and thickness, including select material, aggregate base, prime coat, asphaltic concrete, curb and gutter, and sidewalk with notation of the engineering firm preparing the soils reports and the report numbers, if applicable. The specification and types of materials shall be stated.
(3) Horizontal dimensions to all key points, including rights-of-way.
(4) Cross slopes.
(5) Parkway conditions. Maximum and minimum slopes are to be shown for cuts, fills, and side hill conditions, Any side ditches or other special conditions are to be shown, A minimum 4-foot wide flat area shall be constructed behind the side walk or curb before the slope begins.
(6) Right-of-way widths in relation to centerline, and identified by street name to which it is applicable;
(7) Limits of applicability by station if necessary.

e. The plans shall contain the current Town of Payson "General Notes" for water, grading and paving construction.
f. One set of "Record Drawing" reproducibles of all improvements must be submitted to and approved by the Public Works Department prior to final approval of the project.

C. Construction and Inspection

1. All relocation, filing, and reconstruction of irrigation facilities shall be constructed to standards of the owning utility and Public Works Department.
2. All improvements in the public right-of-way shall be constructed under the inspection and approval of the town department having jurisdiction. Construction shall not be commenced until a permit has been issued for such construction, pursuant to Section 15-3-10 and, if work has been discontinued for any reason, it shall not be re-continued until after notifying in advance the department having jurisdiction.
3. All underground utilities to be installed in streets shall be constructed prior to the surfacing of such street. Service stubs to platted lots within the subdivision for underground utilities shall be placed to such length as not to necessitate disturbance of street improvements when service connections are made.
4. Fees for inspection shall be paid prior to issuance of permits according to the following schedule:
   a. Grading fee: As per Table 70B, Chapter 70 of the 1979 Edition of the current Building Code, or as modified.
   b. Street section and water inspection fees: 3% of the engineer's estimated cost as approved by the Public Works Department or 3% of the actual bid award contract cost, or the actual cost to the Town of Payson, whichever is greater.
   c. Material testing and compaction testing fees: Public Works Department's estimate of 100% of the actual costs with a refund or additional amount due as provided by invoiced charges billed to the Town of Payson by the testing laboratory.
5. Water Development Fees, as required by resolution of the Council or pursuant to Section 15-07-003 of the Town Code, if applicable, are to be paid prior to the issuance of any construction permits.

6. Prior to approval by Council, the subdivider shall guarantee the improvements for a period of two years from the date of acceptance.

D. Required Improvements

1. Streets and Alleys: All streets and alleys within the subdivision shall be graded and surfaced to cross-sections, grades, and standards currently approved by the Public Works Department. Where there are existing improved streets adjacent to the subdivision, subdivision streets shall be improved to the intercepting paving line of such existing streets. Dead end streets serving more than four lots shall be provided a graded and surfaced temporary turning circle.
2. Curbs: Where streets are to be paved, Portland cement concrete curb and gutter, or valley gutter as designated by the Public Works Department, shall be installed in accordance with approved Town standards.
3. Sidewalks: Portland cement concrete shall normally be required on both sides of streets and shall be constructed to a width, line and grade approved by the Public Works Department in accordance with approved town standards. If it is demonstrated that the installation of sidewalks on both sides of given street is not considered necessary, the Planning and Zoning Commission may recommend that the requirement of one or both sidewalks be waived.
4. Crosswalks: Portland cement concrete walks through blocks shall be constructed to a line and grade approved by the Public Works Department and fenced on both sides with four foot high, maintenance-free fence.
5. Street Name Signs: Signs shall be placed at all street intersections and be in place by the time the street pavement is ready for use. Specifications for design, construction, location, and installation shall be in accordance with approved Town standards.
6. Storm Drainage: Proper and adequate provision shall be made for disposal of storm water, this shall apply equally to grading of private properties and to public streets. Existing major water courses shall be maintained and dedicated as drainage ways. The type, extent, location, and capacity of drainage facilities shall be determined for the individual subdivision by the Public Works Department and shall be constructed in accordance with approved Town standards.
7. Sanitary Sewage Disposal: Sewage disposal facilities shall be installed to serve each lot and be subject to the following standards and approvals:
   a. Individual systems, including septic tanks, shall be discouraged, but may be constructed in areas not presently served nor reasonably accessible to a public sewer system, and only when the following conditions are met to the satisfaction of the Gila County Health Department and Northern Gila County Sanitary District.
      (1) Soil absorptivity is adequate.
      (2) Construction complies with approved standards.
      (3) Location of septic tank and seepage pits or leach lines or disposal beds in relation to property lines and buildings and water supply wells and lines are acceptable. Location shall be such that efficient and economical connection can be made to a future public sewer.
      (4) Assure compliance with all applicable environmental laws and regulations governing the installation and operation of septic and other individual systems.

b. Public sanitary sewers shall be installed in areas which are reasonably accessible to an existing sewer system and shall be constructed to plans, profiles and specifications approved by the Arizona Department of Health Services, Northern Gila County Sanitary District, and the Public Works Department.

8. Water Facilities Requirements:
   a. Each lot or building unit shall be supplied with potable water in sufficient volume and pressure for domestic use and fire protection purposes. Design and construction of any and all facilities relating to the supply, storage, transmission, treatment, and distribution of potable water within or outside of any subdivision must meet with the written approval of the Director of the Water Department. All design and construction must meet applicable Town and Arizona Department of Health Services specifications and requirements in force at the time of plan renewal and approval.
   b. The developer of a subdivision shall be required by the Town to supply to the public water system an amount of potable water from new sources and an amount of new water storage facilities to be used by the Town to offset the demand on the existing or planned public water system imposed by owners of property or building units within the subdivision.
   c. The Town assumes no liability for providing water to any proposed or actual subdivision until such time as all necessary facilities are built in accordance with the Town Water Department specifications and meet with the written approval of the Water Department Director.
   d. The Town reserves the right to participate in any or all phases of any development of any water facilities. Conversely, the Town reserves the right not to participate in any or all phases of the development of any water facilities.
   e. Water Department specifications and requirements relating to fire protection are established by the Fire Chief of the Town. All other specifications and requirements of the Water Department are established by the Water Department Director. Any specifications or requirements may be subject to change based on the final design of the subdivision, and changes or revisions in the plat, or actual construction of facilities within the subdivision having requirements greater than those for which the water facilities were designed.
   f. The specifications and requirements of the Town regarding the public water system shall be considered valid only if they are in written form and signed by the Water Department Director, and these specifications and requirements shall be subject to change at any time and shall be enforced from the date of change.
9. Monuments: Permanent monuments shall be installed in accordance with current Town standards at all corners, angle points and point of curves and at all street intersections. After all improvements have been installed, a registered land surveyor shall check the location of monuments and certify their accuracy.
10. Lot Corners: Iron pipe or round reinforced steel bars not less than one-half inch in diameter shall be set at all corners, angle points and points of curve for each lot within the subdivision prior to the recording of the plat except that the Planning and Zoning Commission may approve a delay where topographic conditions make it necessary.
11. Street Lights: Street lights shall be installed at the discretion of the Public Works Director.

12. Utilities, Electric, and Telephone: All electric lines, except those of a greater than 3,000 KVA capacity, and all telephone lines shall be installed underground unless, upon recommendation of the Planning and Zoning Commission, the Council finds that, due to subsurface conditions, it is not possible to do so. The subdivider shall be responsible for the requirements of this subsection and shall make the necessary arrangements with each of the public utility companies involved for the installation of underground facilities. Letters from each of the public utility companies indicating that said arrangements have been made shall be submitted to the Community Development Department at the time the final subdivision plat is filed.
13. Traffic Control Signs: All traffic control signs shall be of the types and at the locations as recommended by the Town Police Department and Public Works Department.
14. Record Drawings: Record Drawings shall be submitted and certified by a registered civil engineer that all works within the subdivision were constructed in accordance with the plans and specifications approved by the Planning and Zoning Commission.

E. Schedule of Improvement Requirements

Specific standards of improvements to be installed in a subdivision shall be related to the location of the subdivision and type of the development proposed, as outlined in the following schedule improvement requirements.

1. Urban Developments
   a. Description: Urban developments include single family residential developments with lot areas equal to or less than 10,000 square feet and multi-family residential development regardless of site area or density.
   b. Requirements: Must be in accordance with 15-07-003:
      (1) Public sewer.
      (2) Public water supply, including main and fire hydrants for fire protection.
      (3) Storm drainage.
      (4) All streets; approved pavement, Portland cement concrete curb, Portland cement concrete sidewalks both sides.
      (5) Alleys, 16 foot right-of-way, completely surfaced with approved material to an approved width (single family development); twenty foot right-of-way, surfaced with approved material to an approved width (multi-family or commercial development).
      (6) Street lights.
      (7) Street and stop signs
2. Estate Developments

   Estate developments include:
   a. Description: Single-family residential development with minimum lot areas greater than 10,000 square feet.
   b. Requirements:
      (1) Public sewer In accordance with Section 15-07-003.
      (2) Public water supply systems including fire hydrants for fire protection in accordance with Section 15-07-003.
      (3) Storm drainage to acceptable outlet.
      (4) All streets approved pavement, Portland cement concrete curbs;
      (5) The Council on the recommendation of the Planning and Zoning Commission may require approved sidewalks, alleys, and street lights.

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15-07-004 Modifications

A. Where, in the opinion of the Council, there exists extraordinary conditions of topography, land ownership, or adjacent development, or other circumstances not provided for in this chapter, the Council may, upon investigation and recommendation by the Community Development Department, modify these regulations in such manner and to such extent as it may deem appropriate to the public interest.

B. In the case of a plan and program for a complete community or a complete neighborhood, the Council may, upon recommendation by the planning department, modify these regulations in such manner as appears necessary and desirable to provide adequate space and improvements for the circulation, recreation, light, air, and service needs of the tract when fully developed and populated, including dedications of property to the Town for sites for schools, parks, and other necessary public facilities, and which also provide such protective covenants, deed restrictions or other legal provisions as will assure conformity to and achievement of the plan.

15-07-005 Prohibition Against Circumvention of Chapter

No person, firm, corporation, or other legal entity shall sell or offer for sale any lot, piece, or parcel of land which is within a subdivision as defined in Section 15-02 of this code without first having recorded a plat in accordance with the provisions of this chapter.

Town of Payson
Unified Development Code
Section 15-08

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Adopted
By Ordinance #466
February 22, 1996
Updated June 1, 2011

This Unified Development Code and/or any other documents that appear in this version of the UDC may not reflect the most current legislation adopted by the Municipality. Any updates or revisions can be found on the Town's website as they become available.

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15-08 ADMINISTRATION

15-08-001 Purpose

The purpose of this section is to set forth the organization, powers and duties of the offices responsible for the administration of this Code.

15-08-002 Council

The Council shall have the following duties in the administration of the zoning provisions of this Code:

A. Review, adopt, and amend the Master Plan for the Town of Payson, and other plans-deemed necessary upon recommendation from the Commission.

B. Hear, review, and consider appeals from decisions of the Commission.

C. Hear, review, and approve preliminary and final subdivision plats after recommendation from the Commission.

D. Hear, review, and adopt amendments to the Zoning Map after recommendation from the Commission.

E. Hear, review, and adopt amendments to the text of this Code upon recommendation from the Commission.

F. Take such other action that the Council may deem necessary or desirable to implement the provisions of these regulations and the Master Plan.

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15-08-003 Planning and Zoning Commission

The Commission shall primarily serve as an advisory body to the Town Council to direct growth and physical development of the Town in a sound and orderly manner for prosperity, health, safety, and welfare of citizens.

A. Membership

1. The Commission shall be composed of seven members who shall be residents of the Town. The members of the Commission shall be appointed by the Mayor subject to the approval of the Council. These appointments shall be for a period of three years each with the terms of members so staggered that the terms of no more than three members shall expire in any one year. All members shall be appointed for full three year terms except that in the event of death or resignation of a member the vacancy may be filled for the unexpired term. The term of all members shall extend until their successors are qualified; except that three successive unexcused or unexplained absences from any regular or special meeting shall be grounds for termination at the will and pleasure of the appointing authority without the necessity of a hearing or notice, and such action shall be final.
2. All members shall serve without pay. Members of the Commission may be reimbursed for actual expenses incurred in connection with duties upon authorization or ratification by the Community Development Director and approval of such expenditures by the Town Manager.

B. Officers

The Commission shall elect a chairman and vice-chairman from among its own members, who shall serve for one year and until their successors are elected and qualified. The chairman shall preside at all meetings and exercise all the usual rights, duties, and prerogatives of the head of any similar organization. The chairman shall have the power to administer oaths and to take evidence. The vice-chairman shall perform the duties of the chairman in the absence or disability of the chairman. Vacancies created by any cause shall be filled for the unexpired term by a new Council appointment.

C. Meetings

The Commission shall provide in its rules for its meetings; that special meetings may be called by the chairman or in his absence the vice-chairman. In addition, any three members of the Commission may make written request to the chairman for a special meeting and in the event such meeting is not called, such members may call such special meeting in such manner and form as may be provided in the commission rules.

D. Duties

It shall be the duty of the Commission to hold public hearings when necessary and make recommendations to the Council on all matters concerning or related to the creation of zoning districts and boundaries, the appropriate regulations to be enforced therein, the amendment of this Code, and any other matter within the scope of the zoning power.

1. To hear, review, and make recommendations to the Council regarding applications for amendments to the Master Plan and other planning documents.
2. To serve as an advisory body to the Council and to furnish to the Council through its secretary the facts concerning the adoption of any report or recommendation.
3. To initiate, hear, and review amendments to the Zoning Map in accordance with the provisions of Section 15-09 of this Code.

4. To initiate, hear, and review amendments to the Text of this Code.
5. To make investigations, maps, reports and recommendations in regard to the physical development of the Town of Payson.
6. To review and adopt a Master Plan for the Town and recommend to the Council any amendments or adoption of said document.
7. To hear, review and make recommendations to the Council regarding preliminary subdivision plats in accordance with rules and procedures of the subdivision regulations, and the final plat of a subdivision when required to do so.
8. To hear and review appeals from the decisions of the Zoning Administrator.
9. To make recommendations to the Council concerning programs for the improvements and financing of public works.
10. To approve or disapprove conditional use permits.
11. To approve or disapprove minor land divisions.
12. To hear, review and make recommendations to the Town Council regarding requests to abandon Town rights of way and easements.

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15-08-004 Board of Adjustments

A. The Board, organized as provided under Ordinance No. 364 of the Town of Payson, shall, at its first meeting every January, elect a Chairman and Vice Chairman from among its appointed members, who shall preside at all meetings and hearings of the Board, decide all points of order or procedure and perform any duties required by law, ordinance or this Code. The term of the Chairman shall be one year and any member serving as Chairman shall be eligible for re-election and have the power to administer oaths and take evidence.

B. The Board of Adjustment shall have public meetings and minutes of its proceedings showing the vote of each member and records of its examinations and other official actions shall be filed in the office of the Board as a public record.

C. Duties and Powers

1. A Board of Adjustment shall:
   a. Hear and decide appeals from the decisions of the Zoning Administrator, or the Commission, and shall exercise such other powers as may be necessary or proper for the conduct of his business and adopt all rules and procedures necessary or convenient for the conduct of its business.
   b. Hear and decide appeals in which it is alleged that there is an error in an order, requirement or decision made by the Zoning Administrator in the enforcement of this Code.
   c. Hear and decide appeals for variances from the terms of the Zoning Section of this Code (15-02), only if, because of special circumstances applicable to the property, including its size, shape, topography, location, or surroundings the strict application of the Zoning provisions of this Code in Section 15-02, will deprive such property of privileges enjoyed by other property of the same classification in the same zoning district. Any Variance granted is subject to such conditions as will assure that the adjustment authorized shall not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone in which property is located.
   d. Reverse or affirm, wholly or partly, or modify the order, requirement or decision of the Zoning Administrator, or Commission, appealed from, and make such order, requirement, decision or determination as necessary.
2. A Board of Adjustment may not:
   a. Make any changes in the uses permitted in any zoning classification or zoning district, or make any changes in the terms of the Zoning provisions of this Code, provided the restriction in this paragraph shall not affect the authority to grant Variances pursuant to this Code and Article 6.1 of Chapter 4 of Title 9, Arizona Revised Statutes.
   b. Grant a Variance if the special circumstances applicable to the property are the result of actions taken by the property owner or previous property owner.

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15-08-005 Development Services Committee

A. The Development Services Committee shall consist of the following members or their appointed representatives; Chief Building Inspector; Public Works Department; Town Engineer; Transportation Administrator; Town Clerk; Zoning Administrator; Community Development Director; Fire Chief; and Town Manager.

B. The Development Services Committee shall meet as often as is necessary for the purpose of reviewing subdivision tentative plats, minor land divisions, applications for rezoning or text amendments, variance applications, commercial development projects, business license applications, and conditional use permits.

C. The Town Manager or his designee shall act as Chairman for the Development Services Committee.

D. The primary purpose of the Development Services Committee is to provide the developer or applicant all design guidelines which should be incorporated into the application review process. Written correspondence will be provided to the applicant advising them of the issues which should be incorporated into the process of approval.

E. The Development Services Committee will approve, disapprove or approve with conditions requests for a Business License. All other functions as described in section B above shall be in the form of recommendations to the appropriate reviewing body, and the applicant.

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15-08-006 Community Development Department

The Community Development Department will have the following powers and duties:

A. To serve as the Planning Agency per Statutory provisions, and administer all official planning, zoning, subdivision, and building regulations as provided in this Code.

B. To develop a Master Plan, any area or specific plans, and Capital Improvements Plan, and to submit such plans, including amendments thereto, to the Commission and the Council as may be required by applicable provisions of this Code.

C. The Community Development Director or designated representative(s) shall serve as Zoning Administrator(s) for the Town, and shall be authorized to enforce all zoning related matters as provided for in this Code.

D. To interpret and administer the Zoning and Subdivision regulations and the related policies established by the Council.

E. To establish forms and processes for the administration and review of map amendments, conditional uses, variances, subdivision plats, text amendments, and appeals.

F. To conduct pre-application conferences prior to submission of applications for map and text amendments, conditional uses and variances.

G. To accept, review, and make recommendations regarding map amendments.

H. To accept and process appeals applications.

I. To provide staff to facilitate all public hearing requirements necessary under the provisions of these regulations.

J. To review and decide applications for building permits for compliance with the provisions of these regulations and ensure that the actual construction is in accordance with these regulations.

K. To review applications for certificates of occupancy, including conditional certificates of occupancy in accordance with this Code.

L. To enforce the provisions of this Code as applicable to Community Development.

M. To make a yearly report to the Commission on conformity to the Town of Payson Master Plan.

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15-08-007 Public Works Department

The Public Works Department shall have the following powers and duties:

A. To review all design plans for infrastructure improvements to determine compliance with Council policy

B. To determine appropriate rights-of-way widths and level of improvements needed.

C. To distribute the preliminary plats to appropriate reviewing agencies and prepare a report of responses to the Planning and Zoning Commission and Town Council on infrastructure improvements.

D. To participate in pre-application meetings with developers for new subdivisions.

E. To prepare a report on final plats to the Town Council.

F. To inspect all infrastructure improvements for new subdivisions to determine compliance with Council Policy, and prepare a report of acceptance to the Council.

G. To review and determine appropriateness of cost estimates fort infrastructure improvements.

H. To enforce the provisions of this Code as applicable to infrastructure development**.**

I. To review and recommend acceptance of assurance agreement for infrastructure improvements to the Council.

15-08-008 Administrative Relief

A. The Community Development Director may authorize administrative relief to the property owner, <u>only if necessary</u>, of up to ten percent of any development standard unless specifically restricted elsewhere in this Code if:

1. An application by the property owner, on a form prescribed by the Community Development Director, has been submitted;
2. Notice, by first class mail, postmarked at least five days prior to the determination to adjacent property owners determined by the Community Development Director as potentially affected by the request;
3. The proposed improvement requiring relief will not be detrimental to the property requesting relief, any adjacent property owner or the Town;
4. The relief granted is the minimum required to meet the needs of the proposed improvement; and
5. The relief shall not be contrary to the purposes and intent of this Code.

B. Any relief authorized by the Community Development Director will be documented with findings consistent with the standards above, and filed with the building permit records, subdivision case file, or other department files, as appropriate.

Town of Payson
Unified Development Code
Section 15-09

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By Ordinance #466
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This Unified Development Code and/or any other documents that appear in this version of the UDC may not reflect the most current legislation adopted by the Municipality. Any updates or revisions can be found on the Town's website as they become available.

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15-09 PROCEDURES

15-09-001 Purpose

The purpose of this section is to provide for the orderly processing of applications and requests according to the administrative entities cited in Section 15-08 of this Code.

15-09-002 Applicability

The development review procedures set forth in this section establish the standards for review and approval of all proposed development of property within the Town.

15-09-003 Building Permits

A. The purpose of this section is to classify "permitted uses" in accordance with this Code, in order to ensure that development in the Town is within acceptable construction standards and is compatible with adjacent land uses that are in conformity with this Code.

B. Permits Required

1. No development or establishment of a permitted use shall be allowed until the applicant has obtained a Building Permit from the Community Development Department. In "Trailer" and "Mobile" home parks a Building Permit is required for installing manufactured homes and park model homes and for alterations and additions thereto. If trailer and mobile home parks have sites for RV usage, these spaces must be designated by the park and approved by the Town. Where the parks have approved RV sites, no Building Permit is required, however, no structural additions or alteration may be made to the RV, the utilities can not be permanently affixed and the RV shall remain mobile.
2. A Building permit shall not be issued unless the application for development approval complies with the provisions of these regulations and other applicable Town Codes.
3. No Building Permit shall be issued in a new subdivision until all improvements have been accepted by the Council.

C. Application Requirements

Building Permit applications shall be submitted to the Building Department and shall provide:

1. A site plan drawn to scale, showing; the exact size in acres and/or square feet, shape and dimension of each lot to be built upon; exact size and location on the lot of existing buildings and structures; exact size and location of proposed buildings to be erected, altered or moved; identification of all drainage, easements, and right of ways; size, arrangement, number of parking facilities, traffic movement, and location of ingress and egress.
2. A declaration of the existing and intended use of each existing and proposed building or structure on the lot and the number of families and housekeeping units which each existing building is designed to accommodate.
3. Any additional information as requested relating to the proposed improvement needed to determine compliance with this Code.
4. All required structural, electrical, mechanical, plumbing, civil engineering and other drawings and documents necessary to meet the requirements of the current Building Code, Plumbing Code, Mechanical Code, Fire Code, Electric Code and other Codes adopted by the Town.

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D. Review

1. Applications for Building Permits shall be submitted to the Building Department for review by the Building Official for compliance with all building codes.
2. The Building Official shall forward a copy of the permit application along with the site plan to the Zoning Administrator and other Town Departments for review in compliance with all applicable regulations.
3. The applicant shall provide evidence of an approved means of sanitary disposal as permitted by the appropriate agency, such as; Northern Gila County Sanitary District, Gila County Health Department, Arizona Department of Environmental Quality.

E. Final Decision

The Building Department shall make its decision to issue a building permit within the time lines prescribed by the Community Development Director either by issuing the permit or requesting the applicant to complete the compliance requirements.

F. Effect of Approval

The issuance of a Building Permit authorizes the holder to commence construction in accordance with the terms of the permit. The applicant will be required to follow the procedures of this section for any additional permits or approvals in order to complete the development and occupancy requirements for the subject property.

15-09-004 Conditional Use Permit

A. Purpose and Intent

Every zoning district contains certain buildings, structures and uses of land that are normal and complementary to allowed uses in the district, but are often incompatible with adjacent activities and uses by reason of their typical physical or operational characteristics, influence on the traffic function of adjoining streets or similar conditions.

It is the intent of this section to permit Conditional Uses in appropriate zoning districts, but only in specific locations within such districts that can be designed and developed in a manner which assures maximum compatibility with adjoining uses.

It is the purpose of this section to establish principles and procedures essential to proper guidance and control of such uses. Conditional uses shall be compatible with land uses permitted n a zoning district, and may require the imposition of specific conditions in order to ensure that the number of such uses, their location, design and configuration as may be determined by the Planning and Zoning Commission. Only uses which are authorized as conditional in Section 15-12 of this Code may be approved as conditional uses. Each proposed conditional use shall be evaluated by the Commission for compliance with the standards and conditions set forth in this section and for each zoning district.

B. Application and Review Process

1. An application for a Conditional Use Permit shall be submitted along with the required number of development plans to the Community Development Director on forms provided by the Town with all the supporting applicable requirements of Sections 15-09-008 and 15-09-009.
2. Each application shall be reviewed by the Community Development Director in conjunction with other appropriate Town Departments. The Director shall forward a staff report and recommendation to the Commission.
3. The Commission shall hold a Public Hearing on the application for the Conditional Use Permit, approving with or without conditions, or disapproving the application within 30 calendar days of the public hearing unless additional time is necessary and shall forward its decision to the applicant in writing.

C. Standards of Review

To ensure that the proposed use will be compatible with the surrounding area, to ensure the provision of the appropriate off-site improvements and that any modification of the development plan imposed by the Commission will be complied with, a Conditional Use Permit shall be issued only when the Commission finds that the applicant has adequately addressed the following:

1. Access and Traffic; pedestrian, bicycle and vehicular circulation
2. Noise, light, visual, litter and other pollutants
3. Buffering provisions
4. Impact on public utilities
5. Signage and outdoor lighting
6. Compliance with General Plan
7. Dedication and development of streets adjoining the property
8. Impact on historical/archeological or natural sites
9. Impact on the native vegetation and ecological character of the site
10. Water and air pollution, such as fill, dust, and smoke
11. Any other factors necessary to assure that the proposed use is compatible and not detrimental to the surrounding land uses.

D. Decision, Effect, Appeal

1. Decision

   The Commission may disapprove or approve with conditions an application for a Conditional Use Permit. The conditions may include, but are not limited to:

   a. Limitations on size, bulk and location of structures
   b. Requirements for additional landscaping or buffering
   c. Provisions for adequate ingress and egress
   d. Duration of the permit
   e. Hours of operation
   f. Time limits on the issuance of a certificate of occupancy. An extension may be granted by the Commission and shall be valid for a maximum of six months.
   g. Mitigation of **any** adverse impacts
   h. Any other condition that furthers the General Plan or policies adopted by the Council

2. Effect of Approval

a. Issuance of a permit for a Conditional Use shall apply only to the particular use and site plan for which issued, and such approval shall be deemed to run with the land. The applicant shall be required to follow the provisions of this section for any additional applicable permits prior to proceeding with development or implementation of additional uses for subject property.

b. All such conditions and approvals shall be binding on the applicant(s), their successors and assigns. The applicant shall also be required to sign the Conditional Use Permit, have it notarized and recorded by the Town in the office of the Gila County Recorder.

3. Appeals

Any person aggrieved by a decision of the Commission to approve or disapprove a Conditional Use Permit may file a letter of appeal to the Council within 30 calendar days of the decision. If a decision of the Commission on a Conditional Use Permit is appealed, the Town Council shall conduct a public hearing as soon as is reasonably practical in accordance with provisions of Section 15-09-009. The Town Council may reverse, affirm or modify the decision of the Commission following the conclusion of the public hearing.

E. Compliance Review

The Community Development Director shall review all Conditional Use Permits and report to the Commission if the conditions of the permit have not been met. If the conditions have not been met the Commission shall notify the permit holder and shall set the matter for a public hearing. If at the conclusion of the public hearing the Commission finds that the conditions have not been met the Conditional Use Permit may be modified or revoked.

15-09-005 Temporary Use Permit

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A. Purpose

The purpose of a temporary use permit is to permit one-time or short-time use of land such as a special event, farmer's market, carnival, swap meet, or other similar event. Temporary Use Permits shall be required to protect the health, safety and general welfare of the citizens of Payson.

B. General Requirements

1. Temporary uses shall be compatible with land uses permitted in the respective zoning district, and may require the imposition of specific conditions by the Community Development Director in order to ensure that the uses, their location, design and configuration are compatible with parking, traffic circulation and congestion, environmental quality, public health and safety, welfare of the community, and do not create a nuisance.
2. The Temporary Use Permit may be revoked without notice in the event the conditions of the permit have been violated.
3. An applicant will be limited to one temporary use permit per year per location.
4. The applicant shall be the owner or lessee of the property or have written permission from the owner of lessee.
5. The applicant shall submit the application fee (non-refundable) along with the application. If the temporary use permit is approved, the applicant shall pay the appropriate permit fee according to the fee schedule, as adopted by the Town Council, prior to the dates of the temporary use permit.

C. Application

Applications for Temporary Use Permits shall be submitted to the Community Development Department along with the following information:

1. Address or location of proposed use.
2. Existing and intended use or uses.
3. Names and addresses of all property owners within 100 feet on the temporary use site, and evidence that each of the property owners have been informed of proposed use.
4. Submittal of site plan with required site information and such additional information as required by the Community Development Director.

D. Review and Approval

1. An application for a Temporary Use Permit shall be submitted along with the site plan to the Community Development Director on forms provided by the Town, and shall be reviewed by the Director in conjunction with other appropriate Town Departments. The Community Development Director shall make a decision on issuance of the permit after allowing ten days for public comment.
2. The Community Development Director shall consider the following and establish any conditions necessary a d appropriate to the permit, or may deny the permit after review according to the following factors:
   (1) Access; and Traffic; pedestrian, bicycle and vehicular circulation
   (2) Noise, light, visual, litter and nuisances
   (3) Signage and outdoor lighting

(4) Impact on neighborhood
(5) Impact on native vegetation and ecological condition of the site
(6) Water and air pollution, such as fill, dust, and smoke. Modification of the site plan imposed by the Commission shall be complied with.
(7) Existence and impact of any other temporary use or conditional permits on or near the subject site.

3. Appeals: Any person aggrieved by a decision of the Community Development Director may appeal to the Council within 15 calendar days of the decision. The Council may reverse, affirm or modify the decision of the Community Development Director.

E. Duration

1. A Temporary Use Permit shall be assigned specific dates and times for the requested event, and the permit shall be good only for those dates and times at the assigned location. During operation of the event, the permit must be posted in a location visible to the public. For event series that require multiple dates, such as a farmer's market, or concert series, more than one date may be included on a single permit.
2. A temporary use permit shall be for a maximum of two weeks or six non-consecutive days per year, however actual time frame allowances are at the discretion of the Community Development Director or his designee, when dealing with non-commercial activities or activities of community wide benefits.
3. Two extensions of up to 14 consecutive days may be granted for commercial activities at the discretion of the Zoning Administrator provided all conditions have been met, no validated complaints have been received and the current fee is paid for each extension.

15-09-006 Variance

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A. Purpose

The purpose of a Variance procedure is to provide a means whereby the literal terms of this Code need not be applied where there are practical difficulties or unnecessary hardships so that the spirit of this Code shall be observed, public safety and welfare secured, and substantial justice done.

B. Application

1. An application for a variance shall be filed with the Community Development Department, on forms provided.
2. An application for a variance shall only be initiated by a property owner, an agent authorized by the owner or a person having a written contractual interest in the affected property. Proof of ownership of the subject property or a notarized "authorized agent" form shall be required.
3. A complete Town application form may require; a site plan, depicting the special circumstance or location of the deviation from district standards, a detailed description of the request or the specific grounds for an appeal of a Community Development Department decision.
4. A 300' radius map of the subject property and surrounding properties within 300' of the subject property boundaries shall be required.
5. The application shall contain an accurate, verified list, made within the previous 30 days, giving the names and addresses of all the owners of all properties lying within the area of the proposed change and of all properties any part of which is within 300 feet of the proposed change. The list shall be furnished at the applicant's expense and may be rejected by the Commission for incomplete or inaccurate information. Pre-addressed stamped envelopes to such property owners shall be required. Note: stamped envelopes may be waived, if pre-addressed mailing labels are submitted.
6. Four (4) sets of the site plan (8.5" x 11" or 11"x 17") drawn to scale and accuracy, commensurate with it's purpose, shall be required. As a site plan is specific to a particular situation, the applicant shall confer with the Community Development Department to determine the information required. (i.e. locations of structures and buildings, building floor plans, elevations, parking areas and accesses, trees and vegetation, signage, drainages, etc.)
7. The application shall be accompanied by payment of the appropriate fee on the schedule of such charges as adopted by the Council. When a variance request is for a deviation from district standards, none of such fees shall be refundable. When appeals are made of a Community Development Department decision(s), the Board of Adjustments shall have the discretion to refund all, a portion, or none of the application filing fee.

C. Staff Review

An application for a variance authorized under the provisions of this section shall be submitted to the Community Development Director and shall be reviewed by the Board of Adjustments within 30 calendar days of receipt of the complete application. The Director shall submit the application and a written report to the Board of Adjustments with a recommendation on whether the variance should or should not be granted or modified.

D. Board of Adjustments Decision

The Board of Adjustments shall hold a public hearing within the 30 day period referred to in item C above. At the conclusion of the Public Hearing the Board shall have reviewed the standards as set forth below, the testimony at the hearing and the record. The Board of Adjustments may grant a variance according to specified conditions or deny the variance.

E. Standards for Granting a Variance

A variance shall be granted only under the following:

1. Due to special circumstances applicable to the property, including its size, shape, topography, location, or surroundings, the strict application of these regulations will deprive such property of privileges enjoyed by other property of the same classification in the same zoning district.
2. That a grant of a variance will be subject to conditions as will ensure that the adjustment authorized will not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone in which such property is located.
3. The special circumstances applicable to the property are not self-imposed by any person presently having an interest in the property.
4. The variance will not allow the establishment of a use which; is not otherwise permitted in the zoning district; would result in the extension of a non-conforming use; would change the zoning classification of any or all of the property.

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15-09-007 Administrative Appeal

The purpose of this section is to allow appeals from the decisions of administrative officers to ensure that the regulations in this Code are administered consistently with the policies adopted by the Council.

A. Building Code Appeals:

Building Code appeals shall be in accordance with the current Building Code.

B. Zoning Appeals:

Appeals to decisions made by the Community Development Director shall be heard by the Board of Adjustments. Appeals may be made by any person aggrieved by any officer, Board, or department, of the Town affected by any decision or interpretation made by the Community Development Director while administering this Code.

1. Requests to appeal the decision of the Community Development Director shall be made on an application form specifying the grounds for the appeal with the required documentation as specified by the Community Development Director. Appeals shall be filed within 30 calendar days of the date of the decision or interpretation.
2. Any appeal, unless otherwise provided by law, shall stay all proceedings in the manner appealed from, unless the Community Development Director certifies that a stay would cause imminent peril to life or property.
3. The Board of Adjustments shall fix a reasonable time for hearing the appeal, and shall give notice of hearing by both publication in a newspaper of general circulation in accordance with 9-462.04 of the Arizona Revised Statutes and posting the notice in conspicuous places close to the property affected.
4. Findings by the Board of Adjustments

   When considering an appeal of a decision or interpretation made by the Community Development Director, the Board of Adjustments shall make its determination based on the following findings:

   (a) The Community Development Director did or did not evaluate all relevant provisions of this Code;

   (b) The Community Development Director did or did not consider all relevant information related to the decision or interpretation;

   (c) The Community Development Director's decision was in error.
5. If the Board of Adjustments determines that the decision or interpretation made by the Community Development Director was in error, the resulting decision by the Board shall not constitute an amendment to this Code by permitting a use not otherwise allowed, or waive the development standards of the zoning district in which the property is located.

15-09-008 Amendments to Text and Zoning Map

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The Council may from time to time as public necessity, convenience, general welfare and good planning practice requires change the district boundaries or amend, change, repeal or supplement the regulations herein established. Such changes or amendments may be initiated by the Council, the Commission, staff, or by application of one or more owners of real property within the area proposed to be changed.

A. Applications for Amendments.

Applications for change of district boundaries or for amendment of this code shall be filed with the Community Development Director or his/her designee. In the case of an application requesting a zoning district change, which includes other property in addition to that owned by the petitioner, the application shall include the signatures of the real property owners representing at least seventy-five (75) percent of the land in the area proposed to be changed. Applications shall be filed on a form provided for the purpose and shall include:

1. A detailed narrative justifying the application.
2. A map showing the particular property or properties for which the change of zone is requested and substantially the adjoining properties and the public streets and ways within a radius of three hundred (300) feet of the exterior boundaries thereof.
3. A Development Plan which shall show the following:
   (a) Topographical description showing existing and proposed grades and drainage systems and natural and man made features with indication as to which one(s) are to be retained and which one(s) are to be removed or altered.
   (b) Proposed street system.
   (c) Proposed block layouts.
   (d) Proposed reservation(s) for parks, parkways, playgrounds, recreation areas and other open spaces.
   (e) Off-street parking space.
   (f) Types and uses of structures.
   (g) Locations of structures, garages and/or parking spaces.
   (h) A tabulation of the total number of acres in the proposed project and a percentage thereof designated for the proposed structures.
   (i) Preliminary plans and elevations of the structure types.
4. A true statement revealing any restrictions of record that would affect the requested uses of the property and the dates of expiration thereof.
5. Such photographs, drawings and other supporting documents, as the applicant may desire to present.
6. A Citizens Participation Report as required in Section 15-09-013.
7. Payment of a filing fee in an amount established by a schedule adopted by resolution of the Council and filed in the offices of the Town Clerk. No part of the filing fee shall be returnable. Payment of filing fee shall not be applicable when the applicant is the Council or Commission or when the Town, County, State or Federal Government initiates the change

or amendment.

8. A legal description of the subject property.
9. The Community Development Director or his/her designee shall determine the format and quantities of all documents to be submitted.

B. Commission Action.

1. Upon receipt of any complete application for amendment, the Community Development Director or his/her designee on behalf of the Commission shall fix a reasonable time for the hearing of the proposed zone change or amendment and shall give notice in the manner as specified in Section 15-09-009. The Commission may continue such hearing to a date certain.
2. The Community Development Director or his/her designee shall submit a report and recommendation to the Commission prior to the scheduled public hearing.
3. The Commission shall review any application based on the Town of Payson General Plan, Unified Development Code, other applicable Town codes, ordinances and policies and sound land use planning principles.
4. Within thirty (30) days after the close of the hearing, the Commission shall render and forward its decision to the Council.
5. The Commission may vote to withdraw any Commission initiated amendment, prior to its submission to Council.

C. Council Action.

1. Upon receipt of the Commission's recommendation, the Council shall hold at least one public hearing after providing notice as specified in Section 15-09-009.
2. The Council may require conditions as may be appropriate based on (1) the Town of Payson General Plan, Unified Development Code, other applicable Town codes, ordinances and policies and (2) sound land use planning principles.
3. The Council may approve a change of zone conditioned upon a schedule for development of the specific use or uses for which rezoning is requested. If at the expiration of this period the property has not been improved for the use for which it was conditionally approved, the Council, after notification by certified mail to the owner and applicant who requested the rezoning, shall schedule a public hearing to take administrative action to extend, remove, or determine compliance with the schedule for development or take legislative action to cause the property to revert to its former zoning classification.
4. If the owners of 20% or more either of the area of the lots included in a proposed change, or of those immediately adjacent in the rear or any side of the lot extending 150 feet, or of those directly opposite of the lot extending 150 feet from the street frontage of the opposite lots, file a protest in writing against a proposed amendment, it shall not become effective except by the favorable vote of three-fourths of the members of the Council. If members of the Council are unable to vote on the issue because of conflict of interest, then the required number of votes for passage of the question shall be three-fourths of the remaining membership of the governing body, provided that such required number of votes shall in no event be less than a majority of the full membership of the Council.

15-09-009 Public Hearings

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A. Public Hearings Required.

The Planning and Zoning Commission shall hold a public hearing as required by this code and state law.

B. Notice Content.

The notice shall include the time and place of the hearing, a general explanation of the matter to be considered and a general description of the area affected,

C. Manner of Noticing.

Notice shall be given at least fifteen (15) days before the hearing in the following manner:

1. The notice shall be published at least once in a newspaper (as defined in Title 39, Chapter 2 of the Arizona Revised Statutes) of general circulation.
2. In proceedings involving rezoning of land that abuts other municipalities, unincorporated areas of the county or a combination thereof, copies of the notice shall be transmitted to the planning agency of the governmental unit abutting such land.
3. In any proceedings involving rezoning of land which may change the zoning classification, notice by first class mail shall be sent to each real property owner, if not the applicant, of the area to be rezoned and to all real property owners within three hundred (300) feet of the property to be rezoned, as shown on the last assessment of the property.
4. In proceedings involving one or more of the following proposed changes or related series of changes in the standards governing land uses, notice shall be provided in the manner prescribed by subsection 5.
   (a) A ten percent (10%) or more increase or decrease in the number of square feet or units that may be developed.
   (b) A ten percent (10%) or more increase or reduction in the allowable height of buildings.
   (c) An increase or reduction in the allowable number of stories of buildings.
   (d) A ten percent (10%) or more increase or decrease in setback or open space requirements.
   (e) An increase or reduction in permitted uses.
5. In proceedings governed by subsection 4 of this section, the Town shall provide notice to real property owners pursuant to at least one of the following notification procedures:
   (a) Notice shall be sent by first class mail to each real property owner, as shown on the last assessment, whose real property is directly governed by the changes.
   (b) If the Town issues utility bills or other mass mailings that periodically include notices or other informational or advertising materials, the Town shall include notice of such changes with such utility bills or other mailings.
   (c) The Town shall publish such changes prior to the first hearing on such changes in a newspaper (as defined in Title 39, Chapter 2 of the Arizona Revised Statutes) of general circulation. The changes shall be published in a "display ad" covering not less than

one-eighth (1/8) of a full page.

6. If notice is provided pursuant to subsection 5 (b) or (c) above, the Town shall also send notice by first class mail to persons who register their names and addresses with the Town as being interested in receiving such notice.
7. Posting on or near the subject site shall be required not less than fifteen (15) days prior to the hearing. The posting shall set forth the time and place of the hearing including a general explanation of the matter to be considered and a general description of the area affected.
8. Notice shall be posted in three public places.
9. In addition to the notification methods described above, the Town may give notice of the hearing in such other manner as it may deem necessary or desirable.

15-09-010 Subdivisions

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A. Platting Procedures and Requirements

1. Outline of Procedures
2. Stage I - Pre-Application Conference
3. Stage II - Preliminary Plat
4. Information Required for Preliminary Plat Submittal
5. Stage III - Final Plat
6. Information Required for Final Plat Submittal

B. Outline of Procedures

The preparation, submittal, review, and approval of all subdivision plats located inside the limits of the town shall proceed through the following progressive stages:

1. Stage I - Pre-application conference, with a tentative plat submittal, followed by a utility meeting
2. Stage II - Preliminary Plat
3. Stage III - Final Plat

C. Stage I - Pre-application Conference

1. Actions by the Subdivider:
   The subdivider shall meet informally with the Planning and Zoning Commission to present a general outline of his proposal, including, but not limited to:
   a. Sketch plans and ideas regarding land use, street, and lot arrangements, tentative lot sizes.
   b. Tentative proposals regarding water supply, sewage disposal, surface drainage and street improvements.
   c. An application fee of 25 dollars shall be paid at the time of filing the request for the pre-application conference.
2. The Planning and Zoning Commission shall discuss the proposal and provide the subdivider with advice on procedures, design, improvement standards, and plat requirements. Depending on the scope of the proposed development, the Planning and Zoning Commission shall:
   a. Check existing zoning of the tract and make recommendations if a zoning change is necessary or desirable.
   b. Determine the adequacy of existing or proposed schools, parks, and other public amenities.
   c. Inspect the site or otherwise determine its relationship to major streets, utility systems, and adjacent land uses and to determine any unusual problems such as topography, utilities, flooding, etc.
   d. Determine the need to prepare a development master plan prior to consideration of a preliminary plat and advise the subdivider if a development master plan is required and to what extent it shall be prepared by the developer.
   e. Assign a case number.

3. Development Master Plan: The Planning and Zoning Commission shall use the following guidelines in establishing the need for a development master plan; the tract is sufficiently large to comprise an entire neighborhood; the tract will be developed in multiple phases; the tract initially proposed for platting is only a portion of a larger land area, the development of which is complicated by unusual topographic, utility, land use, land ownership, or other conditions. The entire land area need not in this case be under the subdivider's control.
   a. Preparation: The DMP shall be prepared to scale and accuracy, commensurate with its purpose, and shall include:
      (1) General street pattern, with particular attention to collector streets and future circulation throughout the neighborhood.
      (2) General location and size of school sites, parks, dedicated open space or other public areas.
      (3) Location of shopping centers, multi-family residential or other proposed land uses.
      (4) Methods proposed for sewage disposal, water supply, and storm drainage.
   b. Approval: Upon acceptance of general design approach by the department, the DMP may be submitted to the Commission and Council for their consideration. If general approval is given, notice to that effect shall be recorded in the minutes of both bodies, and a copy of the minutes transmitted to the subdivider and his engineer. If development is to take place in several parts, the DMP shall be kept up-to-date by the subdivider and the department as modifications take place.
4. Reservation of Certain Areas: Subject to requirements therefore as shown by the general comprehensive plan or development master plan, land area within a subdivision shall be reserved for parks, recreational facilities, school sites, open space and fire stations as follows:
   a. This requirement may be imposed upon preliminary plats filed at least 30 days after the adoption of the general or specific plan affecting the land area to be reserved.
   b. Required reservations must be in accordance with the principles and standards applicable to the plan involved.
   c. The land area reserved shall be of such a size and shape as to permit the remainder of the land area of the subdivision within which the reservation is located to develop in an orderly and efficient manner.
   d. The land area reserved shall be in such multiples of streets and parcels as to permit an efficient division of the reserved area in the event that it is not acquired within the prescribed period.
   e. The public agency for whose benefit an area has been reserved shall have a period of one year after the recording of the final subdivision plat to enter into an agreement to acquire such reserved land area. The purchase price shall be the fair market value thereof at the time of the filing of the preliminary subdivision plat plus the taxes against such reserved area from the date of the reservation, and any other costs incurred by the subdivider in the maintenance of such reserved area, including interest cost incurred on any loan covering such reserved area.

f. If the public agency for whose benefit an area has been reserved does not exercise the reservation agreement set forth in paragraph 5 above within a one-year period or such extension of time as may be mutually agreed upon by such public agency and the subdivider, the reservation of such area shall terminate.

g. Any special tree and conservation sites or other open space consistent with the tree and plant conservation plan provisions of 15-03-003.

D. Stage II - Preliminary Plat

The preliminary plat stage of land subdivision includes detailed subdivision planning, submittal, review and approval of the preliminary plat. To avoid delay in processing his application, the subdivider should carefully provide the department with all information essential to determine the character and general acceptability of the proposed development.

1. Zoning: The subdivision shall be designed to meet the specific requirements for the zoning district within which it is located; however, in the event that amendment of zoning is deemed necessary, the rezoning shall be initiated by the property owner or his authorized agent in accordance with the zoning provisions of this Code. The department shall not proceed with processing of the preliminary plat until the Council has approved the zoning application.
2. Sanitary Sewerage, Water Supply, Grading, and Drainage: As a prerequisite of preliminary plat review by the department, the subdivider shall have informed the Arizona department of Health Services and the department of his tentative plans and learned the general requirements for sewage disposal, water supply, grading, and drainage as applied to his location.
3. Preliminary Plat Submission:
   a. Twenty copies of the preliminary plat and required supporting data prepared in accordance with requirements set forth in Section 15-09-010 (E) and 15-07-002 of this Code shall be filed with the department at least fourteen days prior to the commission meeting at which the subdivider desires to be heard. Copies of the preliminary plat shall be reproduced in the format of blue line or black line prints on a white background. One 81/2" x 11" transparent film positive reproduction and twenty 81/2" x 11" prints of the preliminary plat shall also be filed within five days of the date upon which the preliminary plat was filed. Scheduling of the case for commission hearing shall be dependent upon adequacy of data presented and completion of processing.
   b. The submittal shall be checked by the department for completeness; if incomplete as to those requirements set forth in Section 15-09-010 (E), the submittal shall be rejected and the subdivider notified within five days of the date the map was received.
   c. The submittal must be accompanied by a compliance agreement whereby the subdivider agrees to comply with the Uniform Standard Specifications for Public Works Construction and Uniform Details for Public Works Construction, sponsored and distributed by the Maricopa Association of Governments. If the compliance agreement does not accompany the submittal, the preliminary plat submission will not be approved.
   d. Filing Fee: To cover costs of examining and the processing of preliminary plats and field inspection related thereto, the subdivider shall, at the time of filing, pay to the Town $250 plus $25 per lot, tract or parcel.

e. The filing fee shall not cover the filing of an amended or revised preliminary plat handled as the same case. At the time of filing of an amended or revised preliminary plat, the subdivider shall pay to the Town a filing fee of $250. If preliminary plat approval expires prior to application for final approval, the plat shall be resubmitted for preliminary approval as a new case, and the subdivider shall be required to pay a new fee.

f. Two copies of a preliminary title report of the proposed subdivision.

4. Preliminary Plat Review:

a. On receipt of the preliminary plat, the engineering department shall perform its review of the proposed street system, street plans, and compliance with Town street standards, tentative determination of street and drainage improvement and maintenance requirements and water and sewage disposal proposals.

b. The department shall distribute copies of the plat to the following reviewing offices:

(1) Public Works Department for review of drainage and flood control measures and street improvements.

(2) Planning director for compliance to public objectives, giving special attention to design principles and standards as set forth in Article 15-3 of this chapter; streets and thoroughfares as related to the town streets and highway plans and to neighborhood circulation; utility methods and systems; existing and proposed zoning and land use of the tract and its environs; and land required for schools, parks, and other public facilities.

(3) Parks and recreation department for recommendations regarding parks and recreation facilities.

(4) Police department and fire chief for review of features of proposed development relating to their respective areas of operation.

(5) Northern Gila County Sanitary District for review of sewage disposal proposals.

(6) Superintendent of the appropriate school district for his information.

(7) Where the lands abuts a state highway, to the Arizona Department of Transportation for recommendations regarding right-of-way and intersection design.

(8) United States postmaster at Payson, Arizona.

(9) The department shall distribute copies to interested utilities for information.

(10) The U.S. Forest Service, if the property abuts lands under the jurisdiction of the Forest Service.

c. The reviewing offices shall transmit their recommendations to the department in writing. The department receives and summarizes the review office recommendations, prepares a report, and presents it to the commission.

5. Preliminary Plat Approval:

a. If the department report indicates requirements of this chapter have been met, the Commission shall consider the preliminary plat at a regular meeting within 30 days of the date of filing. Following review, the Commission shall forward the plat and recommendations to the Council. Drainage information shall be made available to the Commission upon request.

b. The Council shall consider the preliminary plat and the commission recommendations at the next regularly scheduled meeting after the commission hearing but, in any event, not sooner than one week after the commission hearing.

c. The Council shall approve, disapprove, or conditionally approve the preliminary plat. The Town Clerk shall record the Council's action upon all ten copies of the preliminary plat and shall return one copy to each of the following: subdivider, subdivider's engineer, town engineer, planning department, and private utility companies, together with any conditions of approval.

6. Preliminary approval constitutes authorization for the subdivider to proceed with preparation of the final plat and the engineering plans and specifications for public improvements. Preliminary approval is based upon the following items:
   a. The basic conditions under which preliminary approval of the preliminary plat is granted will not be substantially changed prior to expiration date.
   b. Approval is valid for a period of twelve months from the date of Council approval.
   c. Preliminary approval, in itself, does not assure neither final acceptance of streets for dedication nor continuation of existing zoning requirements for the tract or its environs, nor constitute authorization to record the plat.

E. Information Required for Preliminary Plat Submittal

1. Form of Presentation: The information hereinafter required as part of the preliminary plat submittal shall be shown graphically or by note on plans, or by letter, and may comprise several sheets showing various elements of required data. All mapped data for the same plat shall be drawn at the same standard engineering scale, said scale having not more than one hundred feet to an inch. Whenever practical, scale shall be adjusted to produce an overall drawing measuring 24" x 36" and not exceeding 42" x 60".
2. Identification and Descriptive Data:
   a. Proposed name of subdivision and its location by section, township, and range: a descriptive tie, including dimensions and bearing, to an acceptable government corner with full description of the corner, including accessories, approved by the Planning and Zoning Commission.
   b. Name, address, and phone number of subdivider.
   c. Name, address, and phone number of engineer, surveyor, or land planner preparing plat.
   d. Scale, north point and date of preparation including dates of any subsequent revisions.
   e. A vicinity map which shall show the relationship of the proposed subdivision to main traffic arteries and any other facilities which might help to locate the subdivision. This map may be on the preliminary plat, but, if this is not practical, then a separate map showing title, scale, north point, and date shall be provided.
3. Existing Conditions Data:
   a. Topography by contours or "spot elevations" related to USC&GS survey datum, or other datum approved by the Town engineer shown on the same map as the proposed subdivision layout. Contour interval shall be such as to adequately reflect the character and drainage of the land.
   b. Location of water wells, streams, canals, irrigation laterals, private ditches, washes, lakes, or other water features; direction of flow; location and extent of areas subject to inundation, whether such inundation be frequent, periodic, or occasional.

c. Location, widths, and names of all platted streets, utility right-of-way of public record, public areas, permanent structures to remain, including water wells, and municipal corporation lines within or adjacent to the tract. Two copies of a preliminary title report showing the above shall be submitted.
d. Name, book, and page numbers of any recorded adjacent subdivisions having common boundary with the tract.
e. By note, the existing zoning classification of the subject tract and adjacent tracts.
f. By note, the acreage of the subject tract.
g. Boundaries of the tract to be subdivided shall be fully dimensioned.

4. Proposed Conditions Data:
   a. Street layout including location, width, and proposed names of public streets, alleys, and crosswalks; connections to adjoining platted tract as per 15-07-002 (B).
   b. Typical lot dimensions (scaled); approximate dimensions of all corner lots and lots of curvilinear sections of streets; each lot numbered individually; total number of lots.
   c. Designation of all land to be dedicated or reserved for public use with use indicated.
   d. If plat includes land for which multi-family, commercial, or industrial use is proposed, such areas shall be clearly designated together with existing zoning classifications and status of zoning change, if any.
   e. Three copies of any proposed restrictive covenants (deed restrictions) within five days after the preliminary plat is filed.
5. Proposed Utility Methods:
   a. Sewage Disposal: It shall be the responsibility of the subdivider to furnish the Northern Gila County Sanitary District such evidence as that district may require to its satisfaction as to design and operation of sanitary sewage facilities proposed. A statement as to the type of facilities proposed shall appear on the preliminary plat.
   b. Water Supply: Evidence of adequate volume and quality satisfactory to the water department and the town engineering department and substantiated by letter from the water and engineering department.
   c. Storm Water Drainage and Disposal: Preliminary drainage calculations and layout of proposed system and location of outlets, all subject to approval by town engineer. Two copies of the drainage report, as required by this code, shall be submitted to the Town Engineer for review and approval.
6. Submittal Requirements for Hillside areas:

   In addition to submittal requirements for zoning and subdivision found elsewhere in the code the following information shall be submitted for staff review for all hillside areas.
   a. A topographic map of the existing terrain utilizing a scale no smaller than one inch equals one hundred feet, with contour intervals no greater than:
      (1) Two foot intervals for slopes of twenty percent or less,
      (2) Five foot intervals for slopes over twenty percent
      (3) Show elevations of critical locations, rock outcrops and other special geological formations
   b. The actual slope areas shown on the site shall be sealed by a civil engineer or land surveyor registered in the State of Arizona.
   c. The location of all streets, utilities, driveways, and buildings.

d. Lots or parcels where the slope is 15% or greater on at least 50% of the lot, shall be identified and, the following shall be noted on the tentative plat, preliminary plat and final plat: “The following lot(s) are subject to hillside development regulations, and any developments to be placed thereon shall be shown to conform to the requirements of the hillside regulations prior to the issuance of any building permits”. (List identified lot or lots)

F. Stage III - Final Plat

This stage includes the final design of the subdivision, engineering of public improvements and submittal of the plat and plans by the subdivider, for review and for action by the Council.

1. Zoning: Zoning of the tract shall permit the proposed use, and any zoning amendment necessary shall have been adopted by the Council prior to filing of the final plat. Any application for rezoning of any subdivision, proposed subdivision or part there of shall be governed by the zoning provisions of this Code and subject to the fees as required or authorized.
2. Easements: It shall be the responsibility of the subdivider to provide on the final plat, prior to plat recordation, such easements in such location and width as required for utility purposes. The following notation shall be placed upon all final plats:
   "Construction within easements, except by public agencies and utility companies, shall be limited to utilities and wood, wire, or removable section-type fencing."
3. Final Plat Preparation: The final plat shall be prepared in accordance with requirements set forth in Section 15-09-010 (G) of these regulations and shall substantially conform to the approved preliminary plat.
4. Final Plat Submission:
   a. The subdivider shall file with the department three Mylar transparencies and eight true copies thereof, together with a letter of transmittal and recordation fee, and a computer closure of the property, at least seven days prior to the Council meeting at which consideration is desired.
   b. The subdivider shall submit with the copies required in this subsection a filing fee of five dollars per lot or tract.
   c. The subdivider shall file a landscape plan with the final plat indicating fulfillment of the requirements of Article 15-07-002 (I).
   d. The subdivider shall file the following with the final plat, indicating fulfillment of the requirements of article 15-07-002 and this chapter:
      (1) Evidence of agency of the subdivider for owners.
      (2) Performance contract, pursuant to Section 15-07-002.
      (3) Letter of commitment of a bank, financial institution or bonding company of its willingness to provide assurance of construction, pursuant to section 15-07-002.
5. Final Plat Review:
   a. The department, upon receipt of the final plat submittal, shall immediately record receipt and date of filing and check it for completeness. If complete, the department shall review the plat for substantial conformity to the approved preliminary plat and refer copies of the submittal to the following reviewing offices that shall make known their recommendations in writing addressed to the Council.
      (1) Community Development Director, to approve final plat and landscaping.

(2) Town Parks and Recreation Department, when applicable.
(3) Town Engineer for approval of street improvements, drainage, and flood control measures.
(4) Northern Gila County Sanitary District, Payson Fire Department, and Payson Water Department for approval of sewage disposal, water supply, and fire safety plans.
(5) Arizona Department of Transportation, for approval (where the plat abuts a state highway).
(6) Interested utility companies, for utility easements.

b. The department shall assemble the recommendations of the various reviewing offices, prepare a concise summary of recommendations and submit said summary together with the reviewer's recommendations to the Council. In the event that the department finds that the final plat does not conform to the preliminary plat, as approved by the Council, then the final plat shall be submitted to the commission for review and recommendations prior to submittal to the Council.

6. Final Plat Approval:
   a. Upon receipt of a request for Council action from the department, the clerk shall place the case on the agenda of the next regular Council meeting, whereupon the Council shall approve or deny the plat.
   b. If the Council rejects the plat for any reason whatsoever, the reasons therefore shall be recorded in the minutes.
   c. If the Council finds approval of the plat, the clerk shall transcribe a certificate of approval upon the plat, first making sure that the other required certifications (see Sec. 15-09-010 (G) have been duly signed, that required easements for utility purposes have been included on the plat, that engineering plans have been approved by the Town Engineer, and that the approved assurance of construction, pursuant to Sec. 15-07-002 (J) (2), has been filed with the Town.
   d. When the certificate of approval by the Council has been transcribed on the plat, the clerk shall record the approved final plat in the office of the County Recorder of Gila County.

G. Information Required for Final Plat Submittal

1. Method and Medium of Presentation:
   a. The record plat shall be drawn in India ink on linen or other durable material and on a sheet conforming to proportions of 3 x 4. In certain unusual instances, as where the area to be subdivided is of unusual size or shape, the department may permit a variation in the scale of the final plat. If more than two sheets are required for the drafting of the final plan, an index sheet of the same dimensions shall be filed, showing the entire subdivision on one sheet and the portion thereof contained on each of the other sheets.
   b. Copies of the record plat shall be reproduced in the form of blueline or blackline prints on a white background.
   c. The final plat shall be drawn on an accurate scale of not more than one hundred feet to the inch, from an accurate survey. Where unusual platting conditions exist, the Planning and Zoning Commission may approve a modified scale.
2. Identification Data Required:

a. A title which includes the name of the subdivision and its location by number of section, township, range, and county.
b. Name, address, and registration number of seal of the registered land surveyor preparing the plat.
c. Scale, north arrow and date of plat preparation.

3. Survey Data Required:
   a. Boundaries of the tract to be subdivided fully balanced and closed, showing all bearings and distances and mathematical calculations, determined by an accurate survey in the field. All dimensions shall be expressed in feet and decimals.
   b. Any excepted parcels within the plat boundaries shall show all bearings and distances determined by an accurate survey in the field. All dimensions shall be expressed in feet and decimals thereof.
   c. Location and description of cardinal points to which all dimensions, angles, bearings, and similar data on the plat shall be referenced. Each of two corners of the subdivision traverse shall be tied by course and distance to separate survey monuments approved by the Planning and Zoning Commission.
   d. Location of all physical encroachments upon the boundaries of the tract.
4. Descriptive Data Required:
   a. Name, right-of-way lines, courses, lengths, width of all public streets, alleys, crosswalks, and utility easements; radii, points of tangency and central angles of all curvilinear streets and alleys; radii of all rounded street line intersections.
   b. All drainage ways shall be shown on the plat. The rights-of-way of all major drainage ways, as designated by the Public Works Engineer, shall be dedicated to the public.
   c. All easements for rights-of-way provided for public services or utilities and any limitations of the easements. Construction within the easement shall be limited to utilities and wood, wire, or removable section-type fencing.
   d. Location and all dimensions of all residential lots.
   e. All residential lots shall be numbered by consecutive numbers throughout the plat. "Exception", "tracts" and "private parks" shall be so designated, lettered or named, and clearly dimensioned.
   f. Locations, dimensions, bearings, radii, arcs, and central angles of all sites to be dedicated to the public with the use clearly indicated.
   g. Location of all adjoining subdivisions with date, book, and page number of recordation noted, or if unrecorded or undivided, so marked.
   h. Any deed restrictions or restrictive covenants to be imposed upon the plat or any part thereof pertaining to the intended use of the land shall be submitted within five days after final plat filing. Deed restrictions shall in no way be less restrictive than zoning regulations imposed by the Town.
5. Dedication and Acknowledgment:
   a. Dedication: Statement of dedication of all streets, alleys, crosswalks, drainage ways, pedestrian ways, and easements for public use by the person holding title of record, by persons holding titles as vendees under land contract and by wives of said parties. If lands dedicated are mortgaged, the mortgagee shall also sign the plat. Dedication shall include a written location by section, township, and range of the tract. If the plat contains

private streets, the public utilities shall reserve the right to install and maintain utilities in the street rights-of-way, including refuse collection.

b. Acknowledgment of Dedication: Execution of dedication acknowledged and certified by a notary public.

6. Required Certification: The following certifications are required:
   a. Certification by the registered civil engineer or registered land surveyor making the plat that the plat is correct and accurate and that the monuments described in it have either been set or located as described. All maps shall contain the seal of a registered civil engineer or land surveyor.
   b. Certification by the Public Works Department that the final plat substantially conforms to the preliminary plat approved by the Council, and that all engineering conditions and requirements of this chapter have been complied with.
   c. Certification by the town clerk of the date the map was approved by the Council.
   d. Certificate of recordation by the county recorder.

15-09-011 Minor Land Divisions

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A. Procedures

The preparation, submittal, review, and approval of all Minor Land Divisions located within the corporate limits of the Town of Payson shall be processed through the following stages, except as otherwise provided herein:

1. Pre-application conference with the Community Development Department.
2. Submittal, review, and approval of the Minor Land Division application and map by the applicant to the Community Development Director.
3. Recordation of the approved Minor Land Division Map.

B. Pre-application Conference

1. An applicant shall present his proposal to the Community Development Director and the Director will advise the applicant of specific objectives of this chapter to include procedures, standards, and approval process.
2. The applicant shall submit a conceptual drawing of the proposed minor land division to the Community Development Director for the purpose of ascertaining the appropriateness of the procedures outlined in this chapter. Additional information may be required such as a copy of the Gila County Assessors Map.

C. Minor Land Division Application

1. Application Submittal:

   The applicant shall submit the following to the Community Development Department;

   a. Three copies (blue or black line prints) plus three reproducible Mylars of the Minor Land Division.
   b. A completed Minor Land Division application form.
2. All submittals shall be checked by the Community Development Department to ensure completeness. All incomplete submittals shall be returned to the applicant with a list of requested submittals to complete the application.
3. Application Requirements:

   a. All Minor Land Divisions shall be developed to comply with all requirements for the specific zoning district in which located.
   b. No lot or parcel shall be divided in such a way that any division of such lot or parcel shall contain more dwelling units than are permitted by the Zoning provisions of this Code for which district such lot is located.
   c. All mapped data shall be drawn to a scale of not greater than one hundred (100) feet per inch. This map data will be drawn on a sheet 18 inches by 24 inches.
   d. All maps will show the following data;

      (1) The title of the map shall read "Minor Land Division Map for (applicant)"
      (2) Location by section, township and range.
      (3) Legal description of land involved.
      (4) Name, address, and phone number of applicant.
      (5) Scale, north point, and dates of preparation and revisions.
      (6) Existing street dedications, utility easements, and lot lines.
      (7) Name, address, registration number, and seal of the registered land surveyor

preparing the map.

(8) Boundaries of the tract to be divided fully balanced and closed showing all bearings and distances determined by an accurate survey in the field. All dimensions shall be shown in feet and decimals thereof.

(9) Location and dimensions of all lots within the minor land division map. All sides of the proposed lots shall be identified by bearings and distances.

(10) All lots shall be identified by number or letter.

(11) Proposed street dedications and public utility easements shall be identified by course, length, and width.

(12) If questions pertaining to property boundary develop, the Public Works Department may require all existing physical and natural features, including but not limited to, buildings, structures, bridges, culverts, within the Minor Land Division boundaries. Identify those which are to be removed.

(13) The map shall include provisions for signatures by the Zoning Administrator and the Public Works Department or his designee.

(14) Identify any public utility extensions or upgrades, when required, to serve the proposed land division.

(15) Any ingress or street improvements necessary to ensure compliance with emergency vehicle access, dust abatement, and drainage improvements necessary to mitigate any negative effects on current or future public infrastructure adjacent to and/or fronting the proposed land division.

(16) Pay a fee for the revision of the official Town Map to reflect the land division.

4. Application Approval:

a. For those submittals meeting the applicability as described in 15-06-002.A "Land Splits" (less than 2 ½ acres in area) the following process shall be applied;

(1) The Zoning Administrator shall check all submittals to ensure that the objectives of the Zoning provisions of this Code and Master Plan are complied with. It shall be the responsibility of the Public Works Department or his designee to ensure that all relevant departments, utilities, and other agencies receive copies for review.

(2) The Public Works Department or his designee shall review all submittals to ensure compliance with other applicable town codes.

(3) The Public Works Department or his designee or Zoning Administrator may require additional information, needed to determine the compliance of the Minor Land Division with applicable regulations.

(4) Upon approval by the Zoning Administrator and the Public Works Department or his designee, they shall affix their signatures to the area provided, and collect the fee necessary for recording the Minor Land Division with the Gila County Recorder.

b. For those submittals meeting the applicability as described in 15-06-002 (B) & (C) the following process shall be applied;

(1) The applicant shall submit all the documents, information, data, and other required information for the Minor Land Division application to the Community Development Department.

(2) The Zoning Administrator shall distribute copies of the application and other information to other departments and utilities as needed.

(3) The Zoning Administrator shall place the Minor Land Division on the next meeting of the Commission. The Commission shall approve or disapprove the Minor Land Division pursuant to this chapter.

(4) If the Commission approves the Minor Land Division application, the Public Works Department shall transcribe a certificate of Board Approval upon the map, first making sure that; a) all conditions of approval have been complied with; b) the other required certifications have been duly signed; and c) that any instruments for required street dedications have been prepared, executed, and duly recorded.

(5) After all of the above requirements have been met, the applicant shall pay to the Town the fee charged by the Gila County Recorder for the recordation of the map. The Chairman of the Commission or his designee shall provide written notice of approval to the Town Clerk for recording the map.

(6) If the Commission disapproves the application, the minutes shall reflect the reasons for the disapproval. The application may be re-filed if the reasons stated can be satisfactorily addressed. The applicant shall receive written notice for reason of denial within 30 days of the hearing.

(7) Appeals to the decision of the Commission can be filed with the Council.

15-09-012 Pre-application

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Prior to application for any variance, appeal, amendment, conditional use permit, general plan amendment, or any other review or permit process, a pre-application review with the Community Development Department will be required. The purpose of the pre-application review is:

A. To familiarize the Community Development Department with the request;

B. To determine application requirements and familiarize the applicant with the review process and procedures;

C. To identify land use and development policies which may affect the outcome of the request;

D. To permit a cursory technical review at a conceptual stage to identify conflicts in objectives and to identify potential solutions for those conflicts; and

E. To identify the requirements for citizen participation and familiarize the applicant with related issues.

15-09-013 Citizen Participation Plan

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A. Sections 15-09-013 and 15-09-014 shall be applicable to the following:

1. Application to amend the Zoning Map for the Town of Payson.
2. Application to subdivide land within the Town of Payson.

   Note: Applications for the subdivision process which have received an approved rezoning of the property within the past 12 months, and prepared a citizen participation plan, and citizen participation report, and the proposed subdivision is in substantial compliance with the site plan submitted for the rezoning process shall not be required to follow the provisions of 15-09-013 and 15-09-014.
3. Application for a Conditional Use Permit.

   Note: Applications for a conditional use permit for single family residential development shall be exempt from Sections 15-09-013 and 15-09-014.
4. Application for a Variance from Zoning Regulations.

   Note: Applications for a variance on a single family residential property shall be exempt from Sections 15-09-013 and 15-09-014.

B. The purpose of the citizen participation plan is to:

1. Ensure that applicants pursue early and effective citizen participation in conjunction with their applications, giving them the opportunity to understand and try to mitigate any real or perceived impacts their application may have on the community.
2. Ensure that the citizens and property owners of Payson have an adequate opportunity to learn about applications that may affect them and to work with applicants to resolve concerns at an early stage of the process, and
3. Facilitate ongoing communications between the applicant, interested citizens and property owners, city staff and elected officials throughout the application review process.

C. The citizen participation plan is not intended to produce complete consensus on all applications, but to encourage applicants to be good neighbors and to allow for informed decision making.

D. At a minimum the citizen participation plan shall include the following information which shall be forwarded to the Community Development Department by the applicant:

1. Which residents, property owners, interested parties, political jurisdictions and public agencies may be affected by the application;
2. How those interested in and potentially affected by an application will be notified that an application has been made;
3. How those interested and potentially affected parties will be informed of the substance of the change, amendment, or development proposed by the application;
4. How those affected or otherwise interested will be provided an opportunity to discuss the applicant's proposal with the applicant and express any concerns, issues, or problems they may have with the proposal in advance of the public hearing;
5. The applicant's schedule for completion of the citizen participation plan;
6. How the applicant will keep the Community Development Department informed on the status of their citizen participation efforts.

E. The level of citizen interest and area of involvement will vary depending on the nature of the application and the location of the site. The target area for early notification is determined by the applicant after consultation with the Community Development Department. At a minimum, the target area shall include the following:

1. Property owners within the public hearing notice area required by other sections of the ordinance pertaining to public hearings;
2. The head of any home owners association or registered neighborhood within the public notice area required by other sections of this code;
3. Other interested parties who have requested that they be placed on the interested parties notification list maintained by the Community Development Department.

F. These requirements apply in addition to any notice provisions required elsewhere in the Unified Development Code.

G. The applicant may submit a citizen participation plan and begin implementation prior to formal application at their discretion. This shall not occur until after the required pre-application meeting and consultation with the Community Development staff.

15-09-014 Citizen Participation Report

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A. The section applies only when a citizen participation plan is required by this code.

B. The applicant shall provide a written report on the results of their citizen participation efforts prior to the notice of public hearing. This report will be attached to the staff report by the Community Development Department.

C. At a minimum, the citizen participation report shall include the following information:

1. Details of techniques the applicant used to involve the public, including:
   a. Dates and locations of all meetings where citizens were invited to discuss the applicant's proposal;
   b. Content, dates mailed, and numbers of mailings, including letters, meeting notices, newsletters and other publications;
   c. Where residents, property owners, and interested parties receiving notices, newsletters, or other written materials are located; and
   d. The number of people that participated in the process.
2. A summary of concerns, issues and problems expressed during the process, including;
   a. The substance of the concerns, issues, and problems;
   b. How the applicant has addressed or intends to address concerns, issues, and problems expressed during the process; and
   c. Concerns, issues and problems the applicant is unwilling or unable to address and why.

15-09-015 General Plan Amendment

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The Town Council may periodically amend, supplement or change provisions to the Town of Payson General Plan. Any such proposed changes may be initiated by staff, Council, Commission, or by petition and application of property owners.

A. Application for Amendments

1. An application for an amendment to the General Plan shall be filed with the Community Development Department on forms provided.
2. A complete application for amendment shall require a detailed description of the request and the specific grounds or reasons for the proposed amendment.
3. The application shall be accompanied by payment of the appropriate fee on the schedule of such charges as adopted by the Town Council. None of such fees shall be refundable. Staff, Council or Commission initiatives to amend the General Plan shall not be required to pay the application fee.
4. Applications for major amendments shall only be considered by the Town Council once a year.
5. A complete application shall include a map showing the area to be amended in the Land Use Element and the surrounding land use designations.

B. Requirements for application to amend the General Plan

In the event that an application to amend the General Plan, Land Use Element includes properties other than that owned by the applicant, before the application will be accepted for processing, the applicant shall file a petition in favor of the request signed by the real property owners, or their agent or attorneys which show a representation of at least 75% of the total number of property owners affected. Such petition shall bear the property owners' signatures, addresses, and legal description of their property.

C. Process to Amend

1. Amendments to the General Plan shall require a broad dissemination of proposals, opportunity to review and consider comments, and notice to various public offices.
   a. Prior to initiating the process to provide an amendment to the General Plan staff shall provide notice and seek input from the Town Council.
      (1) Notice of Town Council discussion shall be published in the local newspaper with a brief description of the proposed amendment at least 10 days prior to the scheduled meeting to discuss.
      (2) Public service announcement shall be distributed to the local radio station at least 10 days prior to the Council discussion.
   b. Copies of the application and staff report shall be transmitted to the all government offices within the Payson area as well as the Central Arizona Association of Governments and the Arizona Department of Commerce.

c. Transmittals to the above recipients in items “a” and “b” above shall include instructions to allow written comments to be transmitted to the Commission and Council prior to the public hearing or attendance at the hearing to provide comments.
d. The Commission and the Town Council shall provide opportunity for those wanting to provide written or verbal comments to be heard and considered.
e. Notice of Public Hearings shall be in accordance with 9-461.06.D of the Arizona Revised Statutes.
f. Public Hearings for Major Amendments shall only be considered once a year during the calendar year in which the application was submitted.

D. Staff Review

1. A complete application to amend the General Plan, Land Use Element, shall be submitted to the Community Development Director, and shall be reviewed and a report prepared to the Planning & Zoning Commission.
2. The Community Development Director shall consult with, advise, and provide an opportunity for official comment by public officials and agencies to include, the county, school districts, regional planning agency, public land management agencies, other appropriate governmental jurisdictions, public utility companies, civic, educational, professional and other organizations, property owners and citizens generally to secure maximum coordination of plans and to indicate properly located sites for all public purposes on the general plan.

E. Commission Review and Action

1. The Planning and Zoning Commission shall hold at least one public hearing before approving a General Plan or any amendment to the General Plan. Notice of the time and place of a hearing and availability of studies and summaries related thereto shall be given at least fifteen and not more than thirty calendar days before the hearing by publication at least once in a newspaper of general circulation published or circulated in the municipality.
2. At least 60 days before the general plan or a portion, element or major amendment of a general plan is adopted, the Community Development Department shall transmit the proposal to the legislative body, and submit a copy for review and further comment to:
   a. The planning agency of the county in which the Town is located.
   b. Each county or municipality that is contiguous to the corporate boundaries of the Town.
   c. The regional planning agency within which the Town is located
   d. The Arizona Department of Commerce or any other State agency that is subsequently designated as the general planning agency for the State.
   e. Any person or entity that requests in writing to receive a review copy of the proposal.
3. Action by the Planning and Zoning Commission on the general plan or any amendment to the plan shall be transmitted to the Town Council.

F. Council Review and Action

1. At the completion of the 60 day review process the Town Council shall schedule at least one public hearing before adopting or readopting the general plan or any amendment to the general plan.

2. Notice of the time and place of the public hearing and availability of studies and summaries related thereto shall be given at least fifteen and not more than thirty calendar days before the hearing by publication at least once in a newspaper of general circulation published or circulated in the municipality.
3. The adoption or re-adoption of the general plan or any amendment to such plan shall be by resolution of the Town Council
4. The adoption or re-adoption of or a major amendment to the general plan shall be approved by affirmative vote of at least two-thirds of the members of the Town Council.
5. A copy of the adopted general plan of the Town shall be sent to the planning agency of the county.

G. Voter Ratification Requirements

1. Each new general plan adopted by the Town Council shall be submitted to the voters for ratification at an election held pursuant to section 16-204 of the Arizona Revised Statutes.
2. The Town Council shall include a general description of the plan and its elements in the municipal election pamphlet and shall provide public copies of the plan in at least two locations that are easily accessible to the public
3. If a majority of the qualified electors voting on the proposition approves the new plan, it shall become effective as provided by law.
4. If a majority of the qualified electors voting on the proposition fails to approve the new plan, the current plan remains in effect until a new plan is approved by the voters.

   Note: The Town Council may resubmit the proposed new plan, or revise the new plan for subsequent submission to the voters.

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15-09-016 Procedures to Abandon Town Rights of Way and Easements

A. Application

Any person desiring to request the abandonment of Town rights of way, any easement owned by the Town, rights of way or easements dedicate to the use of the public within the Town limits, or rights of way or easements which have been sought to be dedicated, but not accepted by the Town, shall make application therefore to the Town Engineer ("Application for Abandonment").

B. Requirements for Application

1. The Application shall contain a legal description of the rights of way or easement to be abandoned.
2. The Application shall set forth the reason or reasons that abandonment of the rights of way or easement is sought.
3. The applicant shall submit with the application an accurate, verified list, made within the previous thirty (30) days, giving the names and addresses of all persons having an interest in properties any part of which is affected by the Application for Abandonment or is within three hundred (300) feet of all or any part of the rights of way or easement to be abandoned. The list shall be furnished at the applicant's expense and may be rejected by the Town Engineer if it contains incomplete or inaccurate information.
4. With the application, the applicant shall provide the Town Engineer with stamped envelopes pre-addressed to such property owners.
5. The applicant shall submit with the application legible copies of the documents granting the rights of way or easement, or a title report reflecting the same.
6. The application shall be accompanied by payment of the appropriate fee, which shall not be refundable. The amount of such fee shall be established, from time to time, by the Town Council on recommendation of the Town Engineer.

C. Review by Town Engineer and Fire Department

An Application for Abandonment shall be reviewed by the Town Engineer, the Fire Department and any other appropriate Town departments. As part of such review, the Town Engineer shall determine whether the rights of way or easement sought to be abandoned has been properly dedicated to and accepted by the Town and whether its abandonment will result in any property being left without a legal connection between the properties being served by the easement or rights of way and an established public road. The Fire Department shall determine, as part of its review, whether the rights of way or easement sought to be abandoned is needed for fire apparatus access and, therefore, whether the abandonment is in the best interests of the Town. When all reviews are completed, the Town Engineer, the Fire Department, and any other involved Town department shall each forward a report and recommendation to the Planning and Zoning Commission prior to its public hearing on the matter.

D. Rights of Way and Easements Not Subject to Abandonments

Any rights of way or easement which has not been dedicated to and accepted by the public and accepted by the Town shall not be abandoned by the Town. Rights of Way or easements dedicated to the Town shall be treated in the same manner as rights of way or easements which have been dedicated to and accepted by the Town.

E. Review by Utility Providers

The Town shall distribute each application for abandonment to each of the local utility providers. Each utility provider will then indicate their present use or future anticipated need for, or lack of such need for, the respective rights of way or easement. The Town shall distribute with the application for abandonment a copy of the legal description and / or survey provided by the applicant. This material shall be distributed to the following utility providers:

1. Arizona Public Service Company (electric);
2. Cablevision (cable TV);
3. Energy West (gas);
4. Northern Gila County Sanitary District (sewer);
5. Qwest (telephone);
6. Town of Payson Water Department (water).

F. Planning and Zoning Commission Action

The Planning and Zoning Commission shall make a recommendation to the Town Council whether or not to abandon the rights of way or easement. Prior to making its recommendation to the Town Council, the Planning and Zoning Commission shall hold at least one public hearing, after giving at least fifteen (15) days notice thereof by publication at least once in a newspaper of general circulation published in the Town of Payson, by posting the area within three hundred (300) feet of the rights of way or easement and by mailing notice of the public hearing to all those persons who have an interest in property any part of which is within three hundred (300) feet of the rights of way or easement proposed to be abandoned.

G. Town Council Action

After receiving the recommendation of the Planning and Zoning Commission, the Town Council shall take appropriate action on the Application for Abandonment. The Town Council may, but shall not be required to, hold another public hearing before taking action. The Town Council shall not abandon any rights of way or easement if the effect of such abandonment is to leave any land adjoining the same without a legal connection between the land served by the rights of way or easement and another established public roadway unless there is expressly reserved in the conveying instrument the roadway rights for ingress and egress for public or emergency vehicles, all property owners, property owner guests and invitees and persons lawfully conducting business on the land.

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15-09-017 Alternate Standards

A. Building Height

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

B. Reserved

Town of Payson
Unified Development Code
Section 15-10

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By Ordinance #466
February 22, 1996
Updated June 1, 2011

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15-10 ENFORCEMENT

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15-10-001 Purpose and Scope

A. Purpose

The purpose of this article is to provide a comprehensive and efficient manner of encouraging and enforcing compliance with the Town of Payson Unified Development Code (the "UDC"), while at the same time providing an administrative process which is accessible to the citizens of the Town of Payson.

B. Scope

If any building is erected, constructed, reconstructed, altered, repaired, converted or maintained, or if any building, structure, or real or personal property is used in a manner contrary to, or in violation of the UDC, the Town of Payson (the "Town") may take any one or more appropriate enforcement actions to restrain, correct or abate the violation, as contained herein or as allowed by law, at the sole discretion of the Town. Any such enforcement action(s) are cumulative and nonexclusive.

15-10-002 Inspections

The Community Development Director or the Director's designee, or any other enforcement officer may, in the discharge of his/her duties in accordance with the UDC, and for good cause, enter any premises, building, structure or land at any reasonable hour to inspect the same in connection with any application made under the terms of the UDC, or for any investigation or inspection as to whether or not any portion of such premises, building, structure or land is in violation of, or being used in violation of, the UDC.

In all cases in which consent to inspect has been refused, the owner or occupant of any premises, building, structure, or land shall be provided with written notice of inspection which notice shall be delivered in person or by certified mail at least twenty-four (24) hours before such inspection takes place.

Such notice shall be deemed delivered at the time of delivery if delivered personally, and, if mailed by certified mail shall be deemed delivered on the day following the date of mailing.

15-10-003 Authority to Enforce

The Community Development Director or the Director's designee(s) shall be responsible for the enforcement of the UDC.

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15-10-004 Penalties

A. Civil

Each person, firm, sole proprietorship, corporation, partnership, LLC, or other entity violating any provision of the UDC shall be subject to a minimum civil penalty of FIFTY DOLLARS ($50.00) and maximum civil penalty of ONE THOUSAND DOLLARS ($1,000.00), for each and every violation of the UDC.

Each person, firm, sole proprietorship, corporation, partnership, LLC, or other entity violating the UDC shall be deemed to have committed a separate violation for each and every day during which the violation(s) is committed or continues to exist.

B. Criminal

Each person, firm, sole proprietorship, corporation, partnership, LLC, or other entity violating the same provision of the UDC more than once within 24 months may be subject to a criminal penalty as provided for in Section 10.49 of the Code of the Town of Payson.

15-10-005 Responsible Party

The owner, occupant, and/or the person, firm, sole proprietorship, corporation, partnership, LLC, or other entity in possession of any property in violation of the UDC shall be each severally responsible for such violation(s).

15-10-006 Civil Enforcement Procedure

A. Notice of Violation

Except in cases of alleged imminent hazards**,** repeated violations, or similar situations where the Town has previously notified or cited the same or a substantially similar violation, the Community Development Director or the Director's designee shall provide reasonable written notice to the owner, occupant, and/or the person, firm, sole proprietorship, corporation, partnership, LLC, or other entity in possession of the property in violation of the UDC in an attempt to obtain voluntary compliance with the provisions of the UDC, as provided for in Sections B and C.

B. <u>Reasonable notice</u> shall consist of written notification and shall include the following:

1. Identification of the property in violation by street address if known and if not known, by tax parcel number.
2. A clear description of the violation(s) of the UDC and request for voluntary compliance by correction of the described violation(s) within fifteen (15) days from the date of the Notice of Violation. Such fifteen day period shall include weekends and holidays.
3. A warning that if the violation(s) is not corrected within fifteen (15) days from the date of the Notice of Violation, the Town may pursue enforcement of the UDC by issuance of a civil citation or complaint, issuance of a stop work order, issuance of a cease use order, or other legal remedies available at law.
4. The potential penalties.

C. Service of Notice of Violation

The Notice of Violation shall be hand delivered or mailed by regular mail (1) to the property address; (2) to the last known mailing address of the property owner; and (3) to the occupant, or such other person, firm, sole proprietorship, corporation, partnership, LLC, or other entity in possession or control of the property, if such mailing address is different from the property address.

D. Civil citation or complaint for appearance in Magistrate Court

1. Commencement of Action.
   An action in the Payson Magistrate Court **(the "Magistrate Court")** may be commenced by the issuance of a civil citation or complaint. The Community Development Director and/or the Director's designee(s), may issue a citation under this article. The citation shall direct the defendant to appear personally in the Magistrate Court**.**

   An action under this article may also be commenced by the Town Legal Department filing a civil complaint with the Magistrate Court. The commencement of this procedure shall not limit the right or authority of the Town, through its Legal Department or otherwise, to take any other action available by law to enforce compliance with the UDC.

2. Contents of civil citation or complaint.
   The civil citation or complaint, whichever is applicable, shall contain at least the following information:
   a. The time, date, place and UDC section(s) of the alleged violation(s);
   b. The time, date and place for the defendant to appear;
   c. A signature of the citing official that the violation(s) took place;
   d. The possibility of a minimum penalty in the amount of FIFTY ($50.00) and maximum penalty of ONE THOUSAND DOLLARS ($1,000.00) for each violation; and,
   e. Warning of default and imposition of penalty in the event of failure to appear.

3. Service of civil citation or summons and complaint.
   Service shall be made by personal service, certified mail or publication.

E. Procedure in Magistrate Court

1. Civil Hearing Officer
   The Town Magistrate or Associate Town Magistrate shall serve as Civil Hearing Officer.
2. Rules of Procedure
   The Arizona Rules of Procedure in Civil Traffic Violation cases shall govern the proceedings under this section, except as modified by, or where inconsistent with the provisions of this section.

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15-10-007 Criminal Enforcement Procedure

A. Criminal enforcement proceedings shall be initiated by the Town Prosecutor's office.
B. All criminal enforcement proceedings shall be conducted pursuant to the Arizona Rules of Criminal Procedure.

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15-10-008 Emergency Abatement

If a situation presents an imminent hazard to life or public safety, the Town may issue an order directing the owner and the occupant, and/or the person, firm, sole proprietorship, corporation, partnership, LLC, or other entity in possession of the property to immediately take such action as is appropriate to correct or abate the situation upon notice by the enforcement official. In addition, the Town may act to correct or abate the situation.

The owner, occupant, and/or the person, firm, sole proprietorship, corporation, partnership, LLC, or other entity shall be granted a hearing by administrative conference before the Town Manager on the matter upon request, as soon as practicable, but such hearing shall in no case stay the abatement or correction of such situation. At the conclusion of the hearing, the Town Manager may uphold, reconsider, or modify any order issued under this Section.

The Town Legal Department may file a civil action in any court of competent jurisdiction seeking reimbursement to the Town for the cost of abatement and enforcement of this Section.

Town of Payson
Unified Development Code
Sections 15-11 & 15-12

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15-11 DEFINITIONS

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15-11-001 Rules of Construction

For the purpose of this Code, certain terms and words are defined in this chapter;

1. Words used in the present tense include the future, words in the singular include the plural, and words in the plural include the singular;
2. The word "shall" is mandatory and not permissive;
3. The word "person" includes individuals, partnerships, corporations, clubs, associations and all other entities;
4. The following words, when used in this Code, shall carry full force when used interchangeably; used, arranged, occupied or maintained; sold or dispensed; construct, reconstruct, erect, alter (structurally or otherwise).

15-11-002 Definitions

The following additional words and phrases shall for the purpose of this Code have the following meanings, unless otherwise indicated in a specified section of this code:

ABANDONED OR INOPERABLE VEHICLES: Any vehicle left in a state of disrepair, or partially or wholly dismantled, wrecked, stripped, or scrapped; or any motor vehicle which is inoperable due to mechanical failure or mechanical disassembly; or a vehicle which cannot move on its own volition; or other reasons evidenced by the absence of a current license plate or registration.

ACCESS: A means by which the property is approached or, a method of entrance into or upon a property. Access is also a general or specific right of ingress or egress to a given property.

ACCESSORY BUILDING: A building used for a purpose other than that of the principle building on the same lot. For example, a garage, pump house or storage shed is considered an accessory building if erected on the same parcel of land as the property's main building.

ACCESSORY DWELLING UNIT (ADU): A habitable living unit added to, created within, or detached from a primary dwelling unit that provides basic requirements for living, sleeping, cooking, and sanitation.

ACCESSORY LIVING QUARTERS: See ACCESSORY DWELLING UNIT, GUEST HOUSE, or GUEST QUARTERS

ACCESSORY SPACE: (for the purpose of 15-14) – Any building space not constructed to residential standards, under the adopted building code of the Town of Payson, which is used for a Home Occupation, including but not limited to an attached garage, detached garage, or shed. Accessory space does not include manufactured dwellings, residential trailers or recreational vehicles.

ACCESSORY USE: A subordinate use of a building, other structure or land which is clearly incidental to the use of the main building, other structure or use of land; in conjunction with the main building, other structure or use of the land; and located on the same lot with the main building, other structure or use of the land.

ADJACENT: Nearby, and within 100 feet of the property line, but not necessarily touching; or, having a common division line.

ADULT ENTERTAINMENT ESTABLISHMENT: A business that, during regular operation offers nude, topless and/or bottomless dancers, male or female striptease dancers, or male or female dancers or models whose clothing less than completely and opaquely covers specified anatomical areas, and/or engage in specified sexual activities. Nothing in this definition shall be construed to apply to the presentation, showing, or performance of any play, drama, or ballet in any theater, concert hall, fine arts academy, school institution of higher education, or other similar establishment as a form of expression of opinion or communication of ideas or information as differentiated from the promotion or exploitation of nudity for the purpose of advancing the economic welfare of a commercial or business enterprise.

ADULT RETAIL ESTABLISHMENT: An establishment in an enclosed building with a principle use characterized by the sale and display of merchandise that predominantly depicts or relates to 'specified sexual activities' or 'specified anatomical areas'. Merchandise includes, but not limited to, motion pictures, cassettes, films, books, magazines, posters, cards, pictures, periodicals, instruments, devices, equipment, paraphernalia, or other similar products. For the purpose of this definition ten percent or more of the merchandise constitutes a principle use.

ADULT THEATER: An enclosed building or open air theater which:

a. Is regularly used for presenting motion pictures, films, video tapes, slides, transparencies, computer simulations, or television transmissions on a screen or monitor which predominantly describe or relate to specified sexual activities or are characterized by a predominant emphasis on matter depicting, describing, or relating to specified anatomical areas; and
b. Regularly excludes all minors.

AGRICULTURE: The tilling of the soil, raising of crops, horticulture, farming, dairying, and/or pasture and livestock production, including incidental, uses but not including slaughter houses, fertilizer yards, or plants for the reduction of animal matter or any other industrial use which is similarly objectionable or may create a nuisance as defined in this code.

AIRPORT TERMS:

a. **AIRPORT:** Payson Airport, or other approved Airport located within the Town limits.

b. **AIRPORT ELEVATION:** The highest point of an airport's usable landing area measured in feet from sea level.

c. **APPROACH SURFACE:** A surface longitudinally centered on the extended runway centerline, extending outward and upward from the end of the primary surface and at the same slope as the approach zone height limitation slope set forth in 15-02-008 of this Code. The perimeter of the approach surface coincides with the perimeter of the approach zone.

d. **CONICAL SURFACE:** A surface extending outward and upward from the periphery of the horizontal surface at as slope of 20 to 1 for a horizontal distance of 4,000 feet.

e. **HAZARD TO AIR NAVIGATION:** An obstruction determined to have a substantial adverse effect on the safe and efficient utilization of the navigable airspace.

f. **HEIGHT:** For the purpose of determining the height limits in all zones set forth in this Code and shown on the zoning map, the datum shall be mean sea level elevation unless otherwise specified.

g. **HELIPORT PRIMARY SURFACE:** The area of the primary surface coincides in size and shape with the designated takeoff and landing area of a heliport. This surface is a horizontal plane at the elevation of the established heliport elevation.

h. **HORIZONTAL SURFACE:** A horizontal plane 150 feet above the airport elevation, the perimeter of which in plan coincides with the perimeter of the horizontal zone.

i. **LARGER THAN UTILITY RUNWAY:** A runway that is constructed for and intended to be used by propeller driven aircraft of greater than 12,500 pounds maximum gross weight and jet powered aircraft.

j. **NONCONFORMING USE:** Any pre-existing structure, object of natural growth, or use of land which is inconsistent with the provisions of this Code or an amendment thereto.

k. **NON-PRECISION INSTRUMENT RUNWAY:** A runway having an existing instrument approach procedure utilizing air navigation facilities with only horizontal guidance, or area type navigation equipment, for which a straight non-precision instrument approach procedure has been approved or planned.

l. **OBSTRUCTION:** Any structure, growth, or other object, including a mobile object, which exceeds a limiting height set forth in 15-02-008 of this Code.

m. **PRIMARY SURFACE:** A surface longitudinally centered on a runway. When a runway has a prepared hard surface, the primary surface extends 200 feet beyond each end of the runway. For military uses or if the runway does not have a prepared or planned hard surface, the primary surface terminates at each end of the runway. Width of the primary surface is established in 15-02-008 of this Code. The elevation of any point on the primary surface elevation is the same as the nearest point on the runway centerline.

n. **RUNWAY:** A defined area on an airport prepared for landing and takeoff of aircraft along its length.

o. **STRUCTURE:** An object, including a mobile object, constructed or installed, including, without limitation, buildings, towers, cranes, smokestacks, earth formation, and overhead transmission lines.

p. **TRANSITIONAL SURFACES:** These surfaces extend outward at 90 degree angles to the runway centerline and the runway centerline extended at a slope of seven feet horizontal for each foot vertical from the sides of the primary and approach surfaces to where they intersect the horizontal and conical surfaces. Transitional surfaces for those portions of the precision approach surfaces, which project through and beyond the limits of the conical surface, extend a distance of 5,000 feet measured horizontally from the edge of the approach surface and at 90 degree angles to the extended runway centerline.

q. **UTILITY RUNWAY:** A runway that is constructed for and intended to be used by propeller driven aircraft of 12,500 pounds maximum gross weight and less.

r. **VISUAL RUNWAY:** A runway intended solely for the operation of aircraft using visual approach procedures.

ALLEY: A public passageway, affording a secondary means of access to abutting property.

ALTERATION: Any change in size, shape, character, occupancy, or use of a building or structure.

ANIMAL HOSPITAL: A place where animals or pets are given medical or surgical treatment and the boarding of animals is limited to short-term care incidental to the hospital use.

ANTENNA: Any exterior device mounted on a tower, alternative tower structure, building, or structure and used for transmitting and receiving wireless communications for a fee to more than one user at one time.

ANTENNA SUPPORT STRUCTURE: Any building or structure other than a tower which can be used for location of telecommunication facilities.

ANTIQUE: A product that is sold or exchanged due to ancient value, in fact or in style (value based upon the age and/or style of the item in excess of its inherent worth).

APARTMENT: A suite of rooms, used for living purposes. Each such suite of rooms having cooking facilities shall constitute a dwelling unit.

APARTMENT HOTEL: A building or group of buildings containing a number of independent suites of rooms for dwelling purposes, and in which at least one common dining room is provided.

APARTMENT HOUSE: A building containing apartments.

APPEAL: A means for obtaining review of a decision, determination, or order, or failure to act pursuant to the terms of this Code.

APPLICANT: Any person who applies for a building permit, conditional use permit, rezoning of land, variance, etc.

APPLICATION: The process by which the owner or authorized agent of a parcel of land within the Town of Payson submits a request to develop, construct, build, modify, or erect a structure upon such parcel of land. Application includes all written documentation, verbal statements and representations, in whatever form or forum, made by an applicant to the Town concerning such a request.

ARCHAEOLOGICAL RESOURCES: Any material remains of past human life or activities which are of historic or pre-historic significance. Such material includes, but is not limited to pottery, basketry, bottles, weapons, weapon projectiles, tools, structures or portions of structures, pit houses, rock paintings, rock carvings, intaglios, graves, skeletal remains, or any piece of any of the foregoing items.

ARTERIAL: A primary roadway or highway used or intended to be used for heavy traffic flow, linking collector and smaller streets and roads.

ARTIST: One who practices in art in which imagination and taste presides over execution. This is not deemed to include the business of teaching the mechanics of the arts.

ATTACHED BUILDING: A building that shares a wall, or part of such with another building, or which is connected to another building by a roof which exceeds six feet between opposite open ends.

AUTHORIZED AGENT: A person or firm duly authorized by the property owner to submit applications on his, her, their, or its behalf.

AUTOMATED SIGNS: Any sign utilizing a mechanical, electronic, or other means to automatically change the sign copy subject to the following: (1) the sign copy, including colors, may not change more than one time per twenty (20) seconds and (2) the sign copy may not scroll, flash, or be otherwise animated.

AUTOMOBILE SERVICE STATION: A place of business having pumps and/or storage tanks from which liquid fuel and/or lubricants are dispensed at retail directly into the motor vehicle. Service, inspection and minor repairs are considered accessory to the sale of such fuel and lubricants.

BED AND BREAKFAST ESTABLISHMENT: The use of a residential structure that is occupied by the owner for commercial lodging purposes and the serving of breakfast only, in which four (4) or fewer rooms are used for overnight lodging of travelers. Any residential structure of more than four (4) rooms shall be considered a hotel/motel.

BLOCK: That property fronting on one side of the street and so bounded by other streets, canals, railroad, right-of-ways, unsubdivided acreage, or other barriers, except alleys, of sufficient magnitude as to interrupt the continuity of development on both sides.

BOARD: Board of Adjustment of the Town of Payson.

BOARDING HOUSE: A dwelling otherwise permitted in the district in which it is situated, in which less than six rooms are occupied as guest rooms.

BUILDING: Any structure for the shelter, housing or enclosure of persons, animals, chattels or property of any kind, with the exception of dog houses, play houses, or structures designed to be towed on their own chassis.

BUILDING AREA: The total areas, taken on a horizontal plain at the mean grade level, of the principal buildings and all accessory buildings, exclusive of uncovered porches, terraces and steps.

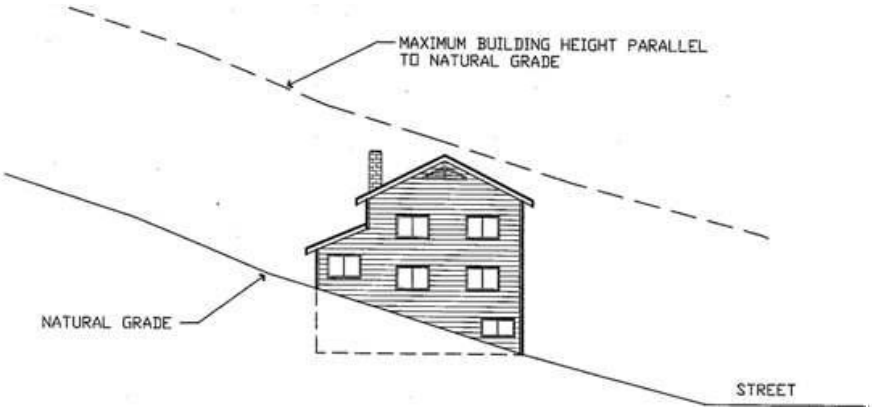
BUILDING CLOSED: A building completely enclosed by a roof, walls and doors.

BUILDING, DETACHED: A building separated from another building(s) on the same lot. Buildings connected only with the roof of not more than six feet wide between opposite open ends are "detached".

BUILDING ENVELOPE: The portion of a lot that is designated by setbacks, yard restrictions, development agreement, or other methods and standards approved by Council, which is established for the primary uses and structures permitted in a given zoning district.

BUILDING FOOTPRINT: Portion of a lot contiguous with the land that is covered by a building or other structure.

BUILDING HEIGHT: Building height is calculated by measuring the difference within the footprint of a structure between the highest point of natural grade within the building footprint and the highest vertical portion of the building.



BUILDING, MAIN: A building, or buildings in which is conducted the principal use of the lot on which it is situated. In any residential district, any dwelling shall be deemed to be the main building of the lot on which the same is situated.

CARPORT: A roofed structure with two or more open sides under which a vehicle may be driven and the principal use of which is the parking of one or more vehicles.

CO-LOCATE: The use of a single support structure and/or site by more than one wireless communications provider.

CODE: The Unified Development Code of the Town of Payson.

COLLECTOR STREET: A street which collects traffic from local residential streets and connects with arterial.

COMMISSION: Planning and Zoning Commission of the Town of Payson.

COMMUNITY BUILDING: A public or quasi-public building used for community activities of an educational, recreational, or public service nature.

COMMUNITY DEVELOPMENT DIRECTOR: The Director of the Community Development Department for the Town of Payson, or his designee, who is responsible for enforcement of building and zoning codes and any other responsibilities assigned by the Town Manager.

COMPREHENSIVE GENERAL PLAN: A comprehensive plan, or parts thereof, providing for the future growth and improvement of the Town, and for the general location and coordination of streets and highways, schools, and recreation areas, public building sites and other physical development.

CONDITIONAL APPROVAL: An affirmative action by the commission or Council indicating based upon satisfaction of specified stipulations.

CONDOMINIUM: Ownership of real property wherein the interest in the underlying land is undivided.

COUNCIL: Mayor and Common Council of the Town of Payson.

COUNTRY INN: An owner occupied and operated establishment engaged in furnishing lodging to the general public on a fee basis, which does not have exterior access to individual rooms (excluding the owner's residence); does not have more than 12 rooms; and serve meals to lodging guests only, unless located in a zoning district which permits restaurant facilities.

COURT: Any space, other than a yard, on the same lot with a building or group of buildings which is unobstructed and open to the sky from above the floor level of any room having a window or door opening on such court. The width of a court shall be its least horizontal dimension.

CUSTOM: Pertaining to work, service or assembly done to order for individual customers for their own use or convenience.

DEDICATION: The transfer of property interests from private to public ownership for a public purpose. The transfer may be fee simple interest or of a less than fee simple interest, including an easement.

DENSITY, GROSS: Gross acreage divided into the number of dwelling units, lots, or spaces.

DENSITY, NET: Net acreage, excluding streets, alleys and other rights-of-way divided into the number of dwelling units, lots or spaces.

DEPARTMENT: The authorized or specified Department of the Town of Payson.

DETACHED BUILDING: (See Building, Detached).

DEVELOPMENT MASTER PLAN (DMP): A preliminary master plan for the development of a large or complicated land area, the platting of which is expected in progressive stages. A development master plan may be designed by the subdivider or by the department and shall be subject to Council approval.

DIAMETER AT BREAST HEIGHT (DBH): A measurement of the size of a tree equal to the diameter of its trunk measured 4 ½ feet above the natural grade.

DIRECTOR: Means the chief administrator of the referenced department, or assigned staff acting under the direct authority of the director, assigned to administer the given portion of this Code.

DISTRICT: Refers to zoning (either use district or density district).

DRIVE-IN RESTAURANT: Any establishment where food or beverages are dispensed for consumption on the premises, but not within a closed building.

DRIVE-IN: THEATER: An open air theater where the performance is viewed by all, or part, of the audience from motor vehicles.

DWELLING: Any structure, or portion thereof, designed exclusively for residential purposes.

DWELLING UNIT: One or more rooms in a dwelling, designed for occupancy by one family for living purposes, and having its own cooking and sanitary facilities.

EASEMENT: A grant of one or more of the property rights by the property owner to and/or for the use by the public, a corporation, or another person or entity.

EMPLOYEE: (for the purpose of 15-14) – Any on-site person not residing at the residence, whether they work full-time or part-time in a Home Occupation, including but not limited to partners, assistants, and any other persons or family members participating in the operation of the business.

ENGINEER: An engineer licensed by the State of Arizona with demonstrated competence in the area of work to be sealed as determined by the Public Works Engineer.

E**NGINEERING PLANS:** Plans, profiles, cross sections, and other required details for the construction of public improvements, prepared by a registered civil engineer in accordance with the approved preliminary plat and in compliance with standards of design and construction approved by the Council.

ERECT: The incorporation of materials into a building or structure.

ESTABLISHED DRAINAGE: Established Drainage shall mean the drainage that exists at the time of development of the property.

EXCEPTION: Any parcel of land which is within the boundaries of the subdivision which is not owned by the subdivider.

FAA: The Federal Aviation Agency.

FACADE: Vertical wall surface extending above a porch roof including a parapet wall.

FACTORY BUILT BUILDING: A structure which has been constructed off-site in accordance with building standards of the current Building Code.

FAMILY: One or more persons related by blood, marriage or adoption, and servants living together as a single housekeeping unit in a dwelling unit, or a group of not more than four persons, who need not be related, living together as a single housekeeping unit in a dwelling unit.

FCC: The Federal Communications Commission.

FINAL APPROVAL: Approval of the final plat by the Council, evidenced by certification on the plat by the Mayor, which constitutes authorization to record a plat.

FREIGHT STATION: A facility for loading, unloading and warehousing of freight.

FREIGHT TERMINAL: A facility for loading and unloading of freight for current distribution and not warehousing.

FRONT FOOT: Of a building (or parcel of land) shall mean the maximum width measured on a straight line parallel to the street.

GARAGE, PRIVATE: An accessory building occupied primarily by the passenger motor vehicle of the families resident on the same lot.

GARAGE, PUBLIC: Any building, other than that herein defined as a private garage, used for the storage or care of motor vehicles, or where any such vehicles are equipped for operation, repair, or kept for remuneration, hire or sale.

GARBAGE: Putrescent animal and vegetable wastes resulting from the handling, preparation, cooking and consumption of food.

GRAFFITI: An inscription or drawing depicted on a structure or other surface so as to be discernible from the public rights-of-way and which degrades the appearance of the property.

GROUP HOME: A residential facility for unrelated persons providing living facilities, sleeping rooms and meals, established as a group home pursuant to laws of the State of Arizona under authority of Title 36 of the Arizona Revised Statutes, or if at the time of application and thereafter annually or sooner in the event of a zoning complaint a person holding a valid and relevant medical, behavioral health, counseling or treatment license pursuant to Title 32, Arizona Revised Statutes, certifies that the non-staff persons residing in the residential facilities are protected persons under federal fair housing laws . The number of persons residing in a group home shall not exceed eight (six protected persons and two staff) without a conditional use permit.

GUEST HOUSE: A habitable living unit added to, created within, or detached from a primary dwelling unit that (1) is connected to the same utility services as the primary residence, (2) does not contain kitchen facilities, (3) contains one or more rooms used by guests of the occupants of the primary dwelling unit, and (4) is not rented.

GUEST QUARTERS: A habitable living unit added to, created within, or detached from a primary dwelling unit that (1) is connected to the same utility service as the primary residence, (2) contains kitchen facilities, (3) contains one or more rooms used by guests of the occupants of the primary dwelling unit and (4) is not rented.

GUEST ROOM: A room which is designed for occupancy by one or more persons for sleeping purposes, having no cooking facilities.

HILLSIDE SUBDIVISION: Any subdivision or that portion of a subdivision located in terrain having an cross-slope exceeding 15 percent.

HOME OCCUPATION: An occupation or business activity conducted in whole or in part in a residence and/or an accessory space; is conducted by at least one family member occupying the dwelling; and is clearly subordinate to the residential use of the property.

HOSPICE : A residential facility for six or fewer unrelated, terminally ill persons wherein living facilities, sleeping rooms and meals and living assistance are provided. The maximum number of persons permitted shall not include the operator, members of the operator's family or persons employed as staff, except that the total number of persons living in the group home shall not exceed eight.

HOSPITAL: A place for the treatment or care of human ailments, with a bed capacity of five or more beds for confinement.

HOTEL: A building other than a boarding house as defined herein, which building contains more than five guest rooms, and where entrance to the sleeping rooms or apartments is from a common entrance or lobby.

INCIDENTAL USE: The use of no more than 25% of the floor area of a structure or 500 square feet, whichever is less.

INSPECTOR: Zoning Inspector or any of his Deputy Inspectors.

IRRIGATION FACILITIES: Canals, laterals, ditches, conduits, gates, pumps, and allied equipment necessary for the supply, delivery, and drainage of irrigation water and the construction, operation and maintenance of such.

JUNK: Any accumulation of the following materials: discarded or scrapped furniture, glass, metal, paper, or machinery parts, inoperative machinery or appliances; building material wastes; or discarded or empty containers. Junk shall also be defined as items that in their present state are of little or no economic value and shall include all types of solid wastes.

JUNK YARD: The use of a lot, or portions, for the storage, keeping or abandonment of junk, including scrap metal or other scrap material or for the dismantling, demolition or abandonment of automobiles or other vehicles or machinery or parts thereof. Such use of less than 100 sq. ft. of the rear half of an interior lot or 100 sq. ft. of the rear interior quarter of a corner lot shall not be considered a junk yard.

KENNEL: A building lot or premises on which five or more pets, including dogs, cats or other small animals are kept, maintained, trained, boarded, or offered for sale with or without compensation.

KINDERGARTEN: Same as Nursery School, except when operated in conjunction with a school of general instruction and having accredited instruction.

LANDSCAPING: Landscaping shall include living trees, shrubs, ground covers, vines and natural materials that are native to Payson.

LITTER: Garbage, refuse and rubbish and all other waste material which, if thrown or deposited in a manner prohibited by this article, tends t create a danger to public health, safety and welfare, and includes, but not by way of limitation, paper and metal such as containers or cans.

LIVESTOCK: Livestock are non-fowl, domestic animals raised and kept in association with agricultural, ranching, equestrian or other similar uses, and include such animals as cattle, horses, sheep, goats and other such animals, and do not include pets.

LOADING SPACE: An off-street space or berth on the same lot with a building, or contiguous to a group of buildings, for the temporary parking of a commercial vehicle while loading or unloading merchandise or material.

LOT: A parcel of land, plot or premises of two or more parcels to be used as a unit and having its principal frontage on a dedicated street or street easement. Where a half street has been dedicated from such parcel, such shall be qualification for street frontage.

LOT, CORNER: A lot abutting on two or more intersecting or intercepting streets, where the angle of intersection does not exceed 135 degrees. A corner lot shall be considered to be in that block in which the lot fronts.

LOT DEPTH: The distance between the mid-point of each of the front and rear lines.

LOT, INTERIOR: Lots having no sides abutting on a street.

LOT, KEY: An interior lot having at least one side contiguous to the rear line of a corner lot.

LOT OF RECORD: A lot which is part of a subdivision, the plat of which has been recorded in the Office of the County Recorder of Gila County; or a lot, parcel or tract of land, the deed of which has been recorded in the Office of the County Recorder of Gila County.

LOT, SUBSTANDARD: A parcel of land that is deficient in either the minimum area, width or depth requirements of the zoning regulations.

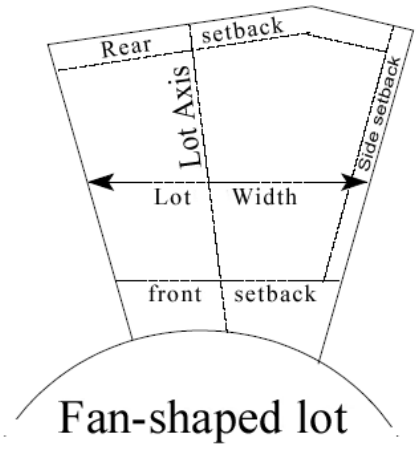
LOT, THROUGH: A lot in which the front and rear lines abut on a street.

LOT WIDTH:

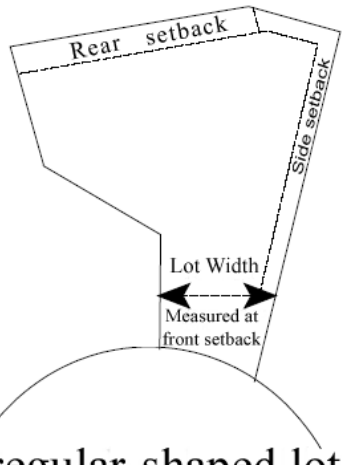
The width of a lot is the shortest distance between the side property lines measured at the front lot line, except along cul-de-sac lots where the following apply:

a. If the side property lines are not parallel, but are fanned-shaped and on a curved frontage with a radius of less than 100 feet, width of the lot shall be the length of a line at right angles to the lot axis, at a distance midway along the lot axis line measured from the front lot line to the rear lot line. The axis of the lot shall be determined by a line through the midpoint of the rear lot line and through the midpoint of the curve length of the front lot line.

b. If side property lines are not parallel, width of the lot shall be the length of a line at right angles to the axis of the lot, at a distance equal to the required front or rear building setback lines, whichever is the lesser. The axis of a lot shall be a line generally perpendicular to the fronting street which divides the lot into two equal parts.



Fan-shaped lot



Irregular-shaped lot

LOT LINE, FRONT: That part abutting a street. The front line of a corner lot shall be the shorter of the two street lines as originally platted or if such are equal, the most obvious front by reason of usage by adjacent lots. The front line of a through lot shall be that line which is obviously the front by reason of usage by adjacent lots. Such a lot exceeding 188 feet in depth may be considered as having two front lines.

LOT LINE, REAR: That lot line opposite the front line. Where the side lines of the lot meet in a point, the rear line shall be considered parallel to the front line or a tangent of the midpoint of a curved front line and lying ten feet within the lot.

LOT LINE, SIDE: Those property lines connecting the front and rear property lines.

MAIN BUILDING: (See Building, Main).

MAINTAIN: The replacing of a part or parts of a building which have been made unusable by ordinary wear or tear or by the weather.

MAJOR REPAIR: The removal from any vehicle of a major portion thereof including, but not limited to, the differential, transmission, head, engine block or oil pan.

MANUFACTURED HOME: A structure developed subsequent to June 14, 1976 that is transportable in one or more sections, built on a permanent chassis, and designed to be used with or without a permanent foundation when connected to the required utilities, and developed in accordance with the Federal Manufactured Home Standards, 24 CFR 3280, as amended.

MEDICAL MARIJUANA DISPENSARY: A nonprofit medical marijuana dispensary duly registered and certified pursuant to A.R.S. §36-2804.

MEDICAL MARIJUANA DISPENSARY OFFSITE CULTIVATION LOCATION: The one additional location, if any, duly identified pursuant to A.R.S. §36-2804(B)(1)(b) during the process of registering a nonprofit medical marijuana dispensary where marijuana will be cultivated for sale at a nonprofit medical marijuana dispensary duly registered and certified pursuant to A.R.S. §36-2804. For the purposes of 15-12-001, 15-12-002, and 15-12-003, MEDICAL MARIJUANA DISPENSARY OFFSITE CULTIVATION LOCATION shall include any location where more than 24 medical marijuana plants are being cultivated.

MINI-STORAGE: A structure containing separate storage spaces of varying sizes leased, or rented on an individual basis. Spaces are usually 30 to 400 square feet and one story tall with direct access from a paved driveway. Mini-Storage does not include outside storage.

MITIGATION: A compensatory means, either in-kind or monetary, to replace the loss of a resource with equal or greater value as determined by the Town.

MOBILE HOME: A structure developed prior to June 15, 1976 that is transportable in one or more sections, and built on a permanent chassis.

MOBILE HOME: TRAILER PARK: Land developed for single family residential uses, in which such land is developed by a single owner for rent (or lease) to others, but title to the land is not conveyed, and where such residences consist of mobile homes, travel trailers, motor homes or R.V. vehicles.

MOTEL: A building or group of buildings containing at least 5 guest rooms or apartments, each of which maintains a separate outside entrance, used primarily for the accommodation of automobile travelers, and providing automobile parking space on the premises.

MULTIPLE DWELLING: A building containing two or more dwelling units.

NATIONAL ELECTRICAL CODE: Shall mean the current edition of the National Electrical Code as adopted by the Town of Payson.

NEIGHBORHOOD PLAN: A plan designed by the department to guide the platting of remaining vacant parcels in a partially built-up neighborhood so as to make reasonable use of all land, correlate street patterns and achieve the best possible land use relationships.

NEWSPAPER OF GENERAL CIRCULATION: A newspaper published daily in the Town of Payson; if no daily newspaper is published, a weekly newspaper may be used.

NONCONFORMING LOT: A lot existing at the effective date of the adoption of this Code, as amended, that does not meet the minimum lot size, dimension and area, restrictions designated for the district in which that lot is located.

NONCONFORMING USE: A situation that occurs when property is used for a purpose or in a manner made unlawful by the use regulations applicable to the district in which the property is located.

NUISANCE: (Also, Public Nuisance) Use(s) or activities that may produce explosion or fire hazard, objectionable or hazardous smoke, dust, radiation, odor, noise in violation of Section 130.20 of the Town Code, glare, fumes, trash, pollen, disease, or other conditions such as abandoned or inoperable vehicles, garbage, graffiti, junk, litter, refuse, rubbish, or unsightly premises, that adversely affect public health, safety and general welfare, constitute a nuisance.

NURSERY: An enterprise which conducts the retail and wholesale sale of plants grown on the site, as well as accessory items, not power equipment such as gas or electric lawn mowers and farm implements directly related to their care and maintenance. The accessory items normally sold are clay pots, potting soil, fertilizer, insecticides, containers, rakes and shovels.

NURSERY SCHOOL: (See School, Nursery).

OASIS AREA: An “Oasis Area” may be used for turf or lawns, flower or vegetable gardens, but shall be limited to 1,000 square feet or 3% of the entire development site or parcel, whichever is less.

OPEN PORCH: (See Porch, Open).

OPERATOR: (For the purpose of 15-14) The person who conducts a Home Occupation, has majority ownership interest in the business, lives full-time in a dwelling on the subject property, and is responsible for strategic decisions and day-to-day operations of the business.

OVERNIGHT HOOKUP LOT: A lot in the Mobile Home/Trailer Park exclusively used by the park owner to rent on a daily basis to owners of travel trailers, motor homes, or other transient recreational vehicles on a strictly temporary basis.

OWNER: The person having the right of legal title to, beneficial interest in, or a contractual right to purchase a lot or parcel of land.

PARCEL: A delineated land area shown on a subdivision map, record of survey map, parcel map, or parcel described by metes and bounds, that constitutes a development site composed of a single unit of land or contiguous units under common ownership or development.

PEDESTRIAN WAY: A public walk dedicated entirely through a block from street to street or providing access to a school, park, recreation area, or shopping center.

PERSON: An individual, firm, partnership, corporation, company, association, joint stock association, or governmental entity; includes a trustee, a receiver, an assignee, or a similar representative of any of them.

PET: Domestic animal under 150 pounds raised and kept in a dwelling unit or on a residential lot for individual or family use and may include dogs, cats, rabbits, birds, potbellied pigs (not pigs or swine raised for food or sale) and small caged animals among other species.

PLAT: A map of a subdivision.

a. "Preliminary plat" means a preliminary map, including supporting data, indicating a proposed subdivision development, prepared in accordance with this Code.
b. "Final plat" means a map of all or part of a subdivision providing substantial conformance to an approved preliminary plat, prepared by a registered land surveyor in accordance with this Code.
c. "Recorded plat" means a final plat bearing all of the certificates of approval required in this Code and duly recorded in the Gila County Recorder's Office.

PLATE LINE: Shall mean the point at which any part of the roof structure first touches or bears upon an external wall.

PLAZA: For the purpose of this code, a plaza shall mean any number of businesses greater than one that share the same structure(s) using common points of ingress and egress, and common parking facilities.

PORCH, OPEN: A porch in which any portion extending into a front or side yard shall have no enclosure by walls, screens, lattice or other material higher than 54 inches above the natural grade line adjacent thereto; which porch is to be used solely for ingress and egress, and not for occupancy as a sleeping porch or washroom.

PORTION: A terminology applied to the general plan amendment process to mean one or more elements or part of an element to be considered for the first time or less than the whole general plan.

PRELIMINARY APPROVAL: Approval of the preliminary plat by the Council as evidenced in its meeting minutes which constitutes authorization to proceed with final engineering plans and final plat preparation.

PRIVATE GARAGE: (See Garage, Private).

PRIVATE USE: (See Use, Private).

PROFESSIONAL USE: (See Use, Professional).

PUBLIC GARAGE: (See Garage, Public).

PUBLIC IMPROVEMENT STANDARDS: A set of regulations setting forth the details, specifications and instructions to be followed in the planning, design, and construction of certain public improvement in the town, formulated by the town engineer, the county health department, and other town departments.

RECREATIONAL VEHICLE: A vehicle type of unit 40 feet or less in length and eight feet or less in width, primarily designed for temporary living quarters, recreation, camping or travel use, which either:

a. Contains its own motor as in the case of motor homes, mini-motor homes or recreational vans;
b. Is drawn by another vehicle as in the case of travel trailers, tent trailers, camper trailers, or watercraft on boat trailers; or
c. Is mounted on another vehicle as in the case of truck campers.

REFUSE: All putrescent and non-putrescent solid wastes, except body wastes, including garbage, rubbish, ashes, street cleanings, dead animals, abandoned, wrecked or junked vehicles or parts thereof and solid market and industrial wastes.

RESIDENTIAL CARE FACILITY: A residential facility licensed or operated by the State of Arizona for six or more persons providing custodial care, living facilities, sleeping rooms and meals, established pursuant to laws of the State of Arizona under authority of Title 36 of the Arizona Revised Statutes.

RESORT HOTEL: A building or group of buildings containing guest rooms providing a variety of outdoor recreation activities such as golf, tennis, horseback riding, or swimming for guests. A resort may provide services customarily furnished by a hotel including restaurant, gift shop, bar, and convention facilities. A resort may contain dwelling units in conjunction with guest rooms.

RESTAURANT: An establishment other than a boarding house, where meals are prepared therein and may be procured by the public.

REVERSE FRONTAGE: A lot having frontage on two nonintersecting streets. The front of the lot shall be considered facing the interior street. Also known as a through lot.

RIGHT OF WAY: A strip of land acquired by reservation, dedication, forced dedication, prescription or condemnation and is intended to be used as a roadway, crosswalk, railroad, electric transmission lines or other utility.

RUBBISH: Non-putrescent solid wastes consisting of both combustible and non-combustible wastes such as paper, wrappings, cigarettes, cardboard, metal cans, yard clippings, leaves, metal, wood, glass bedding, crockery and similar materials.

ROOF LINE: Shall mean the highest point of the main roof structure and not include cupolas, pylons, projections or minor raised portions of the roof.

SCHOOL: A place of general instruction having accredited instruction acceptable to the educational authorities.

SCHOOL, NURSERY: An institution for the daytime care of children of pre-school age. Even though some instruction may be offered in connection with such care, the institution shall not be considered a "school" within the meaning of this Code.

SCREENING DEVICES: Screening devices shall include any structures and/or landscaping installed to conceal areas used for refuse, mechanical equipment, parking, storage, service and loading, or separation of one land use from another.

SECRETARY OF THE COMMISSION: Shall mean the Community Development Director or his designated representative.

SELF-HELP LAUNDRY: A building in which domestic type washing machines and/or dryers are provided on a rental basis by individuals doing their own laundry.

SETBACK AREA: Shall mean the open space area and yards defined in Section 15-02, of this Code.

SHOPPING CENTER: A group of commercial establishments planned, constructed and managed as a total entity with customer and employee parking provided on-site.

SIGN: Shall mean any device conveying either commercial or noncommercial messages or both commercial and noncommercial messages for visual communication that is used for the purpose of bringing the subject thereof to the attention of the public; but not including any flag, badge or insignia of any government or governmental agency, and further not including any lawful display of merchandise.

SIGN TERMS:

a. **AWNING OR CANOPY SIGNS:**	A sign that is printed, painted, or affixed to an awning or canopy.
b. **BANNER AND PENNANTS:**	A temporary sign composed of fabric, pliable plastic, paper, or other light material not enclosed in a rigid frame, and secured or mounted so as to allow movement of the atmosphere to cause movement of the sign.
c. **BILL BOARDS:**	A sign which promotes a business, commodity, service or entertainment which takes place at another location.
d. **FACIA SIGN:**	A sign permanently affixed to the horizontal piece covering the joint between the top of the wall and the projecting eaves of the roof.
e. **FIXED AERIAL SIGN:**	A sign which is lighter than air and tethered. This also includes inflated promotional signs.
f. **FLASHING SIGN:**	Shall mean an illuminated sign which exhibits changing light or color effect by blinking or any other means to provide inconstant illumination.
g. **HIGH PROFILE SIGN:**	A sign which is positioned at least seven feet from the ground, and no more than 20 feet in total height from grade level, as measured by the nearest adjacent natural grade at base of sign.
h. **ILLUMINATED SIGN:**	A sign whose surface is lit internally or externally and that identifies, advertises, or attracts attention to a use or activity on the premises.
i. **LOW PROFILE SIGN:**	Shall mean a sign not to exceed five feet in height, as measured from the existing natural grade at base of sign.
j. **MULTI-TENANT SIGN:**	A sign which includes the names of two or more businesses, places, organizations, buildings or persons it identifies.
k. **NON-CONFORMING SIGN:**	Shall mean any sign which is not allowed under this Code, but which, when first constructed, was legally allowed by the Town of Payson or the political subdivision then having the control and regulation over construction of signs.
l. **OFF PREMISE SIGN:**	Shall mean a sign which directs attention for a commercial purpose to a business, commodity, service, entertainment or product not related to the other commercial uses existing on the premises upon which the sign is located. Nothing contained in this definition shall be construed to apply to noncommercial messages or information placed on any sign.
m. **ON STREET SIGN:**	A sign, any portion of which is within or extends into existing or projected right-of-ways or street easements.
n. **POLITICAL SIGN:**	A temporary sign which promotes the election of an individual campaigning for a political office or the promotion of a political action item.
o. **PORTABLE SIGN:**	Shall mean any sign not permanently affixed to the ground or a structure on the premises it occupies, including 'A' frame type.
p. **ROOF SIGN:**	Shall mean a sign erected in any way upon a building or structure which extends above the roof line of the building or structure, not to include signs defined as a wall sign.

q. **SOFFIT SIGN:** A sign which is suspended from the underside of a lintel, arch or other overhead spanning member and is hung perpendicular to a vertical wall surface.

r. **TEMPORARY SIGN:** Any sign not permanently affixed, including A-shaped and V-shaped signs.

s. **VEHICLE SIGN:** Signs mounted or painted on vehicles are not affected by this Code unless the vehicle is used primarily to advertise or direct customers to a business. In such cases the sign area on the vehicle shall be deducted from the allowed sign area of the business being advertised.

t. **WALL MOUNTED SIGN:** Shall mean a sign mounted flat against, or painted on the wall of a building or structure with the exposed face of the sign in a plane parallel to the face of said wall. No wall mounted sign shall be located above the plate line or project more than 15 inches from the wall.

u. **WINDOW SIGN:** Window signs are allowed for all nonresidential uses. The area of such signs shall not be deducted from the total area of signs allowed but the total of all window signs shall not exceed the total allowed sign area for the use.

SLEEPING ROOM: A room other than a guest room in which cooking facilities are not provided.

STORY: That portion of a building included between the surface of any floor and the surface of the next floor above it or, if there is no floor above it, then the space between the floor and the ceiling next above it. A basement, the ceiling of which is less than 4'6" above the grade level shall not be considered a floor. A mezzanine floor shall be considered a story if it exceeds 40% of the area of the floor next below it.

SPECIFIED ANATOMICAL AREAS: Less than completely and opaquely covered human genitals, pubic region buttock, and female breast below a point immediately above the top of the areola, and human male genitals in a discernibly turgid state, even if completely and opaquely covered.

SPECIFIED ACTIVITIES SEXUAL: Human genitals in a state of sensual stimulation or arousal, acts of human masturbation, sexual intercourse or sodomy; fondling or other erotic touching of human genitals, pubic region, buttock, or female breast.

STEALTH: A design that enhances compatibility with adjacent land uses, including, but not limited to, architecturally screened roof-mounted antennas, antennas integrated into architectural elements, and towers designed to look other than like a tower, such as light poles, power poles, and trees.

STREET: Any street, avenue, boulevard, road, lane, parkway, place, viaduct, easement for access or other way that is an existing state, county, or municipal roadway; or a street or way shown in a plat approved pursuant to law or approved by official action; or, a street or way in a plat duly filed and recorded in the county recorder's office. A street includes the land between the right-of-way lines whether improved or unimproved and may comprise pavement, shoulders, curbs, gutters, sidewalks, parking areas, and lawns.

STREET TERMS:

a. **ARTERIAL ROUTE**: A general term including freeways, expressways, and major arterial streets; and interstate, state, or county highways having regional continuity.

b. **COLLECTOR STREET**: Provides the traffic movement within neighborhoods and between major streets and local streets and for direct access to abutting property.

c. **LOCAL STREET**: Provides for direct access to residential, commercial, industrial, or other abutting land or for local traffic and connects to collector or major streets.

d. **CUL DE SAC**: Short local street permanently terminated in a vehicular turn-around.

STRUCTURE: Any piece of work constructed or erected, including a building that requires a location on the ground or is attached to something having a location on the ground.

SUBDIVIDER: The individual, firm, corporation, partnership, association, syndication, trust, or other legal entity that files the application and initiates proceedings for the subdivision of land in accordance with the provisions of this section, and said subdivider need not be the owner of the property as defined by this section.

SUBDIVISION: Improved or unimproved land(s) divided, for the purpose of financing, sale, or lease, whether immediate or future, into four or more lots, tracts, or parcels, or, if a new street is involved, any such property that is divided into two or more lots, tract, or parcels of land, or, any such property, the boundaries of which have been fixed by a recorded plat, which is divided into more than two parts. "Subdivision" also includes any condominium, cooperative, community apartment, townhouse, or similar project containing four or more parcels, in which an undivided interest in the land is coupled with the right of exclusive occupancy of any unit located thereon, but plats of such projects need not show buildings or the manner in which buildings or airspace above the property shown on the plat are to be divided. "Subdivision" does not include the following:

a. The sale or exchange of parcels of land to or between adjoining property owners if such sale or exchange does not create additional lots.
b. The partitioning of land in accordance with other statutes regulating the partitioning of land held in common ownership.
c. The leasing of apartments, offices, stores, or similar space within a building or trailer park, nor to mineral, oil, or gas leases.

SUBDIVISION COMMITTEE: A committee established to review preliminary subdivision plats.

TELE-COMMUNICATION FACILITIES: Any cables, wires, lines, wave guides, antennas, and any other equipment or facilities associated with the transmission or reception of communications which a person seeks to locate or has installed upon or near a tower or antenna support structure. However, telecommunication facilities shall not include:

a. Any satellite earth station two (2) meters or less in diameter which is located in an area zoned industrial or commercial; or
b. Any satellite earth station one (1) meter or less in diameter, regardless of zoning category.

THOROUGHFARE: A major street that carries a high capacity of traffic, such as a collector or arterial.

TOWNHOUSE: A dwelling unit on its own individual lot that shares one or more common abutting walls with one or more dwelling units.

TOWER: A self-supporting lattice, guyed, or monopole structure constructed from grade which supports telecommunication facilities. The term "tower" shall not include amateur radio operators' equipment, as licensed by the FCC.

TRAILER HOUSE: A dwelling unit erected for vehicular movement.

TRAILER PARK: A parcel of land used to locate trailer houses for dwelling purposes.

TURF: An area of grass ground cover grown together in a thick mat.

CURRENT BUILDING CODE: Shall mean the current edition of the Building Code as adopted by the Town of Payson.

USE: The purpose for which a building or lot is arranged, designed, occupied or maintained.

UNSIGHTLY PREMISES: Property visible from the street or adjoining properties that is so unsightly or untidy as to substantially detract from the appearance of the immediate neighborhood or tend to threaten the safety and welfare of anyone.

USE, ACCESSORY: A subordinate use of a building, other structure or land which is; clearly incidental to the use of the main building, other structure or primary use of land; customarily in connection with the main building, other structure or use of the land; and is located on the same lot with the main building, other structure or use of the land.

USE, PRIMARY: The main or principle use on any lot or parcel which establishes the basic land use characteristics of the property, as opposed to an accessory use. In some instances, a property may have more than one principle use.

USE, PRIVATE: A use restricted to the occupants of the lot or building, together with their guests, where compensation is not received, and where no commercial activity is associated with the same.

USE, PUBLIC: A use which is open to all, generally not for compensation, and is not restricted to those dwellings on the same lot with the public use or public building.

USE, NON-CONFORMING: A use operated in an otherwise lawful manner, which does not conform to the provisions of the district in which it is located.

USE, PERMITTED: A use in a district which is allowed therein by reason of being listed among the “permitted uses" in the district.

USE, PROFESSIONAL: The rendering of services of a professional nature by:

a. Members of the professions licensed by competent authority.
b. Teachers in a school of general instruction.
c. Artists practicing the fine arts.
d. Consultants recognized by organizations of licensed professions.

USE, RESIDENTIAL: Shall be deemed to include single and multiple dwellings, hotels, motels and trailer parks.

USABLE LOT AREA: That portion of a lot usable for or adaptable to the normal uses made of residential property, excluding any areas which may be covered by water, excessively steep, or included in certain types of easements.

UTILITIES: Installations or facilities, underground or overhead, furnishing for the use of the public electricity, gas, steam, communication, water, drainage, sewage disposal or flood control, owned and operated by any person, firm, corporation, municipal department or board, duly authorized by state or municipal regulations. Utilities as used herein may also refer to such persons, firms, corporations, departments, or boards as sense requires.

UTILITY COMPANY: Any utility company that legally provides electric, natural or bottled gas, communication, sanitary disposal, sewerage, water, or other approved utility service within the Town.

VARIANCE: A grant or relief from the requirements of this Code which permits construction in a manner that would otherwise be prohibited.

VEHICLE: Every device in, upon or by which any person or property is or may be transported or drawn upon a highway, including devices used exclusively upon stationary rails or tracks, except for a device propelled solely by human power. Vehicle (for the purpose of 15-14) – Any motorized or non-motorized transportation equipment intended for use on public roads and associated with a Home Occupation, including but not limited to a car, van, pickup, motorcycle, truck, detached trailer or truck tractor with no more than one trailer. An exception may be made for a detached trailer or trailers, which may be categorized as equipment if stored within an enclosed building approved for

this use through a Home Occupation permit. Accessory space utilized for storage of a trailer shall be included in the calculation of total accessory space approved for the home occupation.

VEHICULAR REPAIR, MAJOR: The services and repair of major components of vehicles including engines, and transmissions. These vehicles may include automobiles, boats, motorcycles, trucks, motor homes or travel trailers.

VEHICULAR REPAIR, MINOR: An establishment which provides minor service and maintenance of the ancillary systems of vehicles including accessories, lubrication, minor repair and tune-up of engines, and/or washing and polishing services.

VEHICLE TRIP: A vehicular movement either to or from the subject property by any vehicle used in a Home Occupation, including, but not limited to delivery vehicles associated with a Home Occupation and customer, client, or employee vehicles.

WAREHOUSING: A use engaged in storage, wholesale, and distribution of manufactured products, supplies, and equipment, but excluding bulk storage of materials that are inflammable or explosive or that create hazardous or commonly recognized offensive conditions.

WATER FEATURES: Water features shall include fountains, waterfalls, ponds, or the use of water to provide a landscaping feature.

WRECKING YARD: (See Junk Yard).

YARD: An area of uniform width behind which the exterior walls of any main building must be established. Such yard is measured as the minimum horizontal distance from a lot line or an existing or projected right-of-way line. A yard shall be unobstructed by structures, except where otherwise permitted under the terms of this Code.

YARD, FRONT: Shall mean an open, unoccupied space on the same lot as a main dwelling, extending the full width of the lot and situated between a dedicated street line or easement line of a duly recorded 20-foot wide easement, and the front line of the building, projected to the side lines of the lot. The 20-foot width requirement shall not apply to easements which have been recorded prior to the effective date of this Code. The front yard of a residential corner lot is the yard adjacent to the shorter street frontage. The front yard of a commercial corner lot is the yard adjacent to the major street, as determined by the Zoning Inspector.

YARD, REAR: A yard abutting the rear lot line.

YARD, SIDE: A yard abutting that portion of a side lot line lying between the front and rear yards.

ZONING ADMINISTRATOR: The official responsible for administration and/or enforcement of the Zoning provisions of this Code.

ZONING DISTRICT: A zoned area in which the same zoning regulations apply throughout.

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15-12-001 Table of Residential District Uses

P = Permitted Use N = Use Not Permitted C = Conditional Use Permit **Use Description**	District R-1	R-2	R-3
Residential Uses			
Single family dwelling unit, site built	P	P	P
Manufactured, detached (allowed in MH overlay districts or MHP districts)	N	N	N
Multiple-family dwelling units	N	P	P
Guest Houses, subject to 15-02-004(E)(1)	P	n/a	n/a
Guest Quarters, subject to 15-02-004(E)(2)	P	n/a	n/a
Accessory Dwelling Units, subject to 15-02-004(E)(3)	P	n/a	n/a
Group Home (as defined in Section 15-11-002)	P	P	P
Recreational vehicle/travel trailer park (allowed only in MHP district)	N	N	N
Public, Institutional and Quasi-Commercial Uses			
Home Occupations (Refer to 15-02)	P	P	P
Bed and Breakfast establishments and country inns	C	C	P
Rooming and boarding houses	N	N	P
Fraternities and Sororities	N	N	C
Places of Worship, convents and monasteries	C	C	P
Nursery Schools and day care centers	N	N	C
Elementary and secondary schools including associated facilities	C	C	P
Vocational and business schools	N	N	C
Colleges and universities including associated facilities	N	N	C
Libraries, museums, and fine art galleries	N	N	C
Clubs, union halls and lodges	N	N	C
Long term nursing care institutions	N	N	C
“Halfway homes”, institutions for temporary care and rehabilitation	N	N	C
Foster homes and residential facilities for developmentally disabled	P	P	P
Hospitals	N	N	C

P = Permitted Use N = Use Not Permitted C = Conditional Use Permit **Use Description**	District R-1	R-2	R-3
Public, Institutional and Quasi-Commercial Uses			
Public & private utilities; substations, pumping plants, reservoirs, utility centers	C	C	C
Publicly owned recreational uses, community buildings	P	P	P
Telecommunication Facilities	C	C	C
Hospice	C	C	C
Accessory and Interim Uses			
Accessory uses and structures located on same site as primary use	P	P	P
Temporary construction sheds & sales offices (during construction only)	P	P	P
Temporary outside storage materials/equipment during construction only	P	P	P
Temporary construction sheds & sales offices (during construction only)	P	P	P
Temporary outside storage materials/equipment during construction only	P	P	P
Temporary model homes/subdivision sales offices, three years maximum	C	C	P
Accessory home operated radio antenna towers (60' height maximum)	P	P	P
Livestock and Poultry			
Keeping of Horses and Other Livestock (15-02-004 .B.3) - minimum one acre lots	P	P	P
Keeping of Poultry (15-02-004.B.3.)	P	P	P
Neighborhood Services Uses			
Professional offices, building complex not to exceed 10,000 square feet	N	N	C
Neighborhood retail sales, and personal services, within full enclosed buildings, including convenience market (no gasoline sales), clothing alteration and shoe repair shops, self-service laundries, hotels and motels, mini-storage, small appliance repair, copying, banks (no drive thru windows), small animal clinics in sound attenuated buildings and similar uses as determined by the Zoning Administrator.	N	N	C
Medical Marijuana Dispensary and/or Medical Marijuana Dispensary Offsite Cultivation Location.	N	N	N

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15-12-002 Table of Commercial District Uses

P = Permitted Use N = Use Not Permitted C = Conditional Use Permit **Use Description**	District C-1	C-2	C-3
Agricultural and Related Uses			
All types of agriculture and horticulture, except Medical Marijuana Dispensary Offsite Cultivation Location.	P	P	P
Keeping of horses and other livestock	N	N	N
Keeping of poultry	N	N	N
Apiaries/aviaries in rear ½ of lot; minimum 30' from any property line	C	C	C
Animal clinics in fully enclosed building	C	C	C
Animal clinics, not fully enclosed	N	N	C
Kennels	N	N	C
Medical Marijuana Dispensary Offsite Cultivation Location. (Subject to provisions of 15-15)	N	N	P
Residential Uses			
Single family dwelling unit, site built	P	P	P
Manufactured home, detached	N	N	N
Multiple-family dwelling units	P	P	P
Recreational vehicle/travel trailer park	N	C	C
Public, Institutional and Quasi-Commercial Uses			
Home Occupations	P	P	P
Bed and Breakfast establishments and country inns	P	P	P
Rooming and boarding houses	P	P	P
Fraternities and Sororities	P	P	P
Places of Worship, convents and monasteries	P	P	P
Nursery Schools and day care centers	P	P	P
Elementary and secondary schools including associated facilities	P	P	P
Vocational and business schools	P	P	P

P = Permitted Use N = Use Not Permitted C = Conditional Use Permit **Use Description**	District C-1	C-2	C-3
Public, Institutional and Quasi-Commercial Uses (continued)			
Colleges and universities including associated facilities	P	P	P
Libraries, museums, and fine art galleries	P	P	P
Clubs, union halls and lodges	P	P	P
Long term nursing care institutions	P	P	P
“Halfway homes”, institutions for temporary care and rehabilitation	C	C	C
Hospice	C	C	C
Foster homes and residential facilities for developmentally disabled	P	P	P
Group Homes and Residential Care Facilities	P	P	P
Hospitals	C	C	P
Public & private utilities; substations, pumping plants, reservoirs, community utility centers	P	P	P
Publicly owned recreational uses, community building & campgrounds	P	P	P
Penal and correctional facilities	N	N	C
Accessory and Interim Uses			
Accessory home operated radio antenna towers (60' height maximum)	P	P	P
Accessory uses and structures located on same site as primary use	P	P	P
Temporary travel trailers and recreational facilities	P	P	P
Temporary construction sheds & sales offices (during construction only)	P	P	P
Temporary outside storage materials/equipment during construction only	P	P	P
Temporary model homes/subdivision sales offices, three years maximum	P	P	P
General Retail and Services			
Professional and general offices	P	P	P
General retail sales, antique shops	P	P	P
Second hand stores	P	P	P
Personal and household services	P	P	P
Self-service laundries and dry cleaning shops	P	P	P

P = Permitted Use N = Use Not Permitted C = Conditional Use Permit **Use Description**	District **C-1**	**C-2**	**C-3**
General Retail and Services (continued)			
Commercial laundry and cleaning services	C	P	P
Banks without drive thru windows	P	P	P
Banks with drive-thru windows	C	P	P
Small appliance repair shops	P	P	P
Copying shops, office supplies and services	P	P	P
Convenience markets (no gasoline sales)	P	P	P
Convenience markets (with gasoline sales)	N	C	C
Grocery stores	P	P	P
Discount/Warehouse retail stores	N	P	P
Plant nurseries	C	C	P
Mortuaries	N	P	P
Telecommunication Facilities	C	C	C
Public auction buildings	N	C	P
Small engines sales and repair (inside only)	C	P	P
Mini-storage	P	P	P
Outside display or storage of merchandise or equipment	N	C	P
Cabinet / Wood Products Shops	N	C	C
Medical Marijuana Dispensary (Subject to provisions of 15-15)	N	P	P
Food, Beverage, Lodging and Entertainment			
Restaurants, without drive-thru or drive-ins	P	P	P
Restaurants, with drive-thru or drive-ins	C	P	P
Night clubs, bars or lounges	N	C	P
Adult entertainment, video, and bookstores	N	N	C
Auditoriums	N	C	P
Theaters, indoor	C	C	C
Theaters, drive-in and amphitheaters	N	N	C
Indoor commercial recreation	C	C	C

P = Permitted Use N = Use Not Permitted C = Conditional Use Permit **Use Description**	District **C-1**	**C-2**	**C-3**
Food, Beverage, Lodging and Entertainment (continued)			
Outdoor commercial recreation	N	C	C
Hotels and motels	C	C	P
Resorts	N	C	P
Amusement parks, miniature golf, driving & batting ranges, skating rinks	N	C	C
Vehicle Sales and Services			
Motor Vehicle sales, general automotive services, rental, towing, and major vehicular repair (see def. "Vehicular Repair, Major", 15-11-002)	N	C	P
Recreational vehicle, trailer, boat sales, rental and repair	N	C	P
Manufactured home sales	N	C	P
Vehicle painting and body work	N	N	P
Gasoline sales, automotive maintenance, and minor vehicular repair (see def. "Vehicular Repair, Minor", 15-11-002)	N	C	C
Truck Stop	N	N	C
Car wash	N	C	C
Uses with Unique Compatibility Concerns			
Uses with unique compatibility concerns involving: indoor gun and archery ranges, machine shops, pet shops, animal grooming, animal skins processing, wild animal meat processing, taxidermy and similar uses as determined by the Zoning Administrator, may be allowed in sound attenuated and enclosed buildings.	C	C	C
Uses Involving Flammable or Explosive Materials			
Uses involving flammable or explosive materials; propane sales, kerosene sales, fireworks sales, gun shops, and similar uses as determined by the Zoning Administrator with potential flammable or explosive hazards are required to obtain an approved Conditional Use Permit if dwelling units, with no intervening structures, are within 150' of the intended use area. Notice of the proposed use shall be given as provided for conditional use permits.	C	C	C
Uses involving flammable or explosive materials; propane sales, kerosene sales, fireworks sales, gun shops, and similar uses with potential flammable or explosive hazards are allowed, when requirements determined by the Fire Department are met and dwelling units are not within 150' of the intended use area or if dwelling units are within 150' but there are intervening structures between the dwelling units and the intended use area. Notice of the proposed use shall be given as provided for conditional use permits.	P	P	P

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15-12-003 Table of Industrial District Uses

P = Permitted Use N = Use Not Permitted C = Conditional Use Permit **Use Description**	**District** **M-1**	**M-2**
Agricultural and Related Uses		
All types of agricultural and horticulture	P	P
Keeping of horses and other livestock	C	P
Keeping of poultry	C	P
Apiaries/aviaries in rear ½ of lot; minimum 30' from any property line	P	P
Animal clinics in fully enclosed building	P	P
Animal clinics, not fully enclosed	P	P
Kennels	P	P
All types of agriculture and horticulture, including Medical Marijuana Dispensary Offsite Cultivation Location. (Subject to provisions of 15-15)	P	P
Residential Uses		
Single family dwelling unit, for caretaker and family	P	P
Public, Institutional and Quasi-Commercial Uses		
Vocational and business schools	P	P
Colleges and universities including associated facilities	P	P
Hospitals	P	P
Public & private utilities; substations, pumping plants, reservoirs, community utility centers	P	P
Penal and correctional facilities - Note; Item D.2.b.(12) Page 90, may apply	C	P
Accessory and Interim Uses		
Accessory uses and structures located on same site as primary use	P	P
Temporary travel trailers and recreational facilities	P	P
Temporary construction sheds & sales offices (during construction only)	P	P
Temporary outside storage materials/equipment during construction only	P	P
Temporary model homes/subdivision sales offices, three years maximum	P	P
General Retail and Services		
Professional and general offices	P	P

P = Permitted Use N = Use Not Permitted C = Conditional Use Permit **Use Description**	District **M-1**	**M-2**
General Retail and Services (continued)		
General retail sales	P	P
Medical Marijuana Dispensary (subject to provisions of 15-15)	P	P
Personal and household services and repairs	P	P
Discount/Warehouse retail stores	P	P
Plant Nurseries	P	P
Mortuaries	P	P
Telecommunication Facilities	P	P
Public auction buildings	P	P
Small and large engine sales and repair	P	P
Swap Meet	C	C
Mini storage	P	P
Outside display or storage of merchandise or equipment	P	P
Crematoriums	C	P
Food, Beverage, Lodging and Entertainment		
Restaurants, without drive-thru or drive-ins	P	P
Restaurants, with drive-thru or drive-ins	P	P
Night clubs, bars or lounges	P	P
Adult entertainment, video, and bookstores	C	C
Auditoriums	P	P
Theaters, indoor	P	P
Theaters, drive-in and amphitheaters	C	P
Indoor commercial recreation	P	P
Outdoor commercial recreation	P	P
Hotels and motels	P	P

P = Permitted Use N = Use Not Permitted C = Conditional Use Permit **Use Description**	District **M-1**	**M-2**
Food, Beverage, Lodging and Entertainment (continued)		
Resorts	P	P
Amusement parks, miniature golf, driving & batting ranges, skating rinks	P	P
Vehicle Sales and Services		
Motor Vehicle sales, rental and repair	P	P
Recreational vehicle, trailer, boat sales, rental and repair	P	P
Manufactured home sales	P	P
Vehicle painting and body work	P	P
Gasoline sales, and general automotive repair	C	C
Car wash	C	C
Warehousing, Storage, Manufacturing, Assembly & Intensive Industries		
Research, development and manufacturing businesses	P	P
Communications, informational, and other technical service businesses	P	P
Manufacturing and processing facilities	P	P
Warehousing	P	P
Heavy equipment repair, sales and rentals	C	P
Outside storage of equipment and supplies	C	P
Industrial condominiums for storage, aircraft hangars and other similar uses	P	P
Extraction industries, including gravel, sand, rock or soil removal	N	P
Manufacturing, disposal, distribution, warehousing or transfer of hazardous materials	C	C
Tanneries, oïl refineries, cement plants	N	N
Industrial metal smelting, refining, casting and extrusion	N	C
Incineration, reduction, or disposal of garbage, sewage or other organic matter	N	C
Recycling	C	C
Meat and poultry slaughter houses, rendering plant and packing plants	N	N
Automobile wrecking yard, junkyards, recycling centers, outdoor storage and similar open land uses, screened with minimum of 8' high solid masonry wall	C	C

Town of Payson
Unified Development Code
Section 15-13

SECTION	TITLE	PAGE
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Adopted
By Ordinance #466
February 22, 1996
Updated June 1, 2011

This Unified Development Code and/or any other documents that appear in this version of the UDC may not reflect the most current legislation adopted by the Municipality. Any updates or revisions can be found on the Town's website as they become available.

15-13 Telecommunication Towers

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15-13-001 Telecommunication Towers

A. Findings

The Communications Act of 1934 as amended by the Telecommunications Act of 1996 ("the Act") grants the Federal Communications Commissions (FCC) exclusive jurisdiction over:

1. The regulation of the environmental effects of radio frequency (RF) emissions from telecommunication facilities; and
2. The regulation of radio signal interference among users of the RF spectrum.

Note: The regulation of towers and telecommunication facilities within the Town of Payson shall not have the effect of prohibiting any person from providing wireless telecommunications services in violation of the Act.

B. Purpose

The general purpose of this ordinance is to regulate the placement, construction, and modification of towers and telecommunication facilities in order to protect the health, safety, and welfare of the public, while at the same time not unreasonably interfering with the development of the competitive wireless telecommunications market place.

Specific purposes include:

1. To regulate the location of towers and telecommunication facilities;
2. To protect residential areas and land uses from potential adverse impact of towers and telecommunication facilities;
3. To minimize adverse visual impact of towers and telecommunication facilities through careful design, siting, landscaping, and innovative camouflaging techniques;
4. To promote and encourage shared use/co-locations of towers & antenna support structures as a primary option rather than construction of additional single use towers;
5. To promote and encourage utilization of technological designs that will either eliminate or reduce the need for erection of new tower structures to support antenna and telecommunication facilities;
6. To avoid potential damage to property caused by towers and telecommunication facilities by ensuring such structures are soundly and carefully designed, constructed, modified, maintained, and removed when no longer used or are determined to be structurally unsound; and
7. To ensure that towers and telecommunication facilities are compatible with surrounding land uses.

C. Town Owned Property

The Town Council reserves the exclusive right to establish all restrictions necessary or appropriate for the protection of the health, safety, and welfare of the citizens of the Town, on any towers or telecommunication facilities placed on Town owned property.

1. The contract between the Town and an applicant for the placement of a tower or

telecommunication facility on Town owned property shall determine the restrictions relating to the tower(s) and/or telecommunication facilities.

2. Applicants for towers on Town property shall complete a Citizen Participation Plan and Report as outlined in Section 15-09-013 and 15-09-014.
3. The Town Council shall use the provisions of this section (15-13) and the Citizen Participation Report as a guide when establishing such restrictions. All the provisions of the UDC, except this section, shall apply to the placement of towers on Town property.

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15-13-002 Development Standards

A. Development Standards

1. Towers shall be permitted or conditionally permitted in zoning districts as shown in the permitted use tables in 15-12-001, 15-12-002 and 15-12-003 of the Unified Development Code.
2. No person shall build, erect or construct a tower unless a building permit has been approved and issued. Prior to the issuance of a Building Permit, a bond approved by the Zoning Administrator in an amount sufficient to ensure compliance with 15-13-005 B., shall be posted.
3. Towers shall be permitted at a maximum height of 100 feet, plus additional appurtenances not to exceed 20 feet.
4. Lattice type structures or structures which require the use of guy wires are prohibited.
5. A conditional use permit application to allow a tower shall include:
   a. The name, address, and telephone number of the owner and lessee of the parcel of land upon which the tower is situated. If the applicant is not the owner of the parcel of land upon which the tower is situated or proposed to be situated, the written consent of the owner shall be evidenced in the application.
   b. The legal description, tax parcel number, and address of the parcel of land upon which the tower is situated.
   c. The names, addresses, and telephone numbers of all owners of other towers within a one-half (1/2) mile radius of the proposed new tower site, including Town owned property.
   d. A description of the design plan proposed by the applicant. The applicant must identify its utilization of the most recent technological design-as part of the design plan.
   e. The applicant must demonstrate the need for an additional tower.
   f. A written statement from an Engineer that the construction and placement of the tower will not interfere with public safety communications and the usual and customary transmission or reception of radio, television, or other communications services.
   g. Color photo simulations showing the proposed site of the tower with a photo-realistic representation of the proposed tower as determined by staff.
   h. Any other information that Town staff considers necessary or that the applicant has failed to supply.
6. Incomplete applications shall be returned to the applicant. Completed applications shall be

forwarded to the Planning and Zoning Commission for a hearing.

7. No new tower shall be built, constructed, or erected unless the tower is capable of supporting at least two telecommunication facilities.

B. Setback Requirements

1. All towers shall be set back at least twenty-five (25) feet from any property line.
2. Setback requirements for towers shall be measured from the base of the tower to the property line of the parcel of land on which it is located.
3. Setback requirements may be modified, as provided in Section 15-13-003 (C), when placement of a tower in a location which will reduce the visual impact can be accomplished. For example, adjacent to trees which may visually hide the tower.

C. Method to Measure Tower Height

Tower height shall be measured from existing grade.

D. Illumination

Towers shall not be artificially lighted except as required by the Federal Aviation Administration (FAA).

E. Stealth Design

All towers which require a conditional use permit must be of stealth design.

F. Structures Affecting Navigable Airspace

Any structure which may intrude on navigable airspace as defined in FAA bulletin Part 77, "Objects Affecting Navigable Airspace" must obtain approval from FAA prior to issuance of a conditional use permit or building permit.

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15-13-003 Telecommunication Facilities on Antenna Support Structures

Any telecommunication facilities which are not attached to a tower may be permitted on any antenna support structure at least 20 feet tall, regardless of the zoning restrictions applicable to the zoning district where the structure is located. Telecommunications facilities attached to an antenna support structure shall not extend more than 20 feet above the antenna support structure. Telecommunication facilities are prohibited on all other structures.

15-13-004 Development Standards Modification

A. Notwithstanding the tower standards provided in 15-13 the Planning & Zoning Commission, through the conditional use permit process, may grant specific modifications to such standards.

B. If such modifications are requested, in addition to all other information required for a conditional use permit submittal, the applicant shall provide the following:

1. A description of how the plan addresses and/or mitigates any foreseeable adverse impact(s) that might occur as result of the requested modification.
2. A technical study that documents and supports the criteria submitted by the applicant upon which the request for modification is based. The technical study shall be certified by an

engineer and shall document the existence of the facts related to the proposed modifications and its relationship to surrounding right-of-ways and properties.

3. Identification of all parcels of land where the proposed tower could be located, without such modifications as requested, attempts by the applicant to contract and negotiate an agreement for collocation and the result of such attempts.

C. The Planning & Zoning Commission may consider the following criteria in addition to the criteria listed in Section 15-09-004:

1. Whether the tower, as modified, will be compatible with and not unduly impact the character and integrity of surrounding properties within 300 feet adversely.
2. Whether on-site and/or off-site conditions mitigate adverse impacts.
3. Whether alternatives exist that would not require the requested modification(s).

D. If the Commission grants any modifications pursuant to this section, it shall require as a condition of the Conditional Use Permit, conditions necessary to mitigate any adverse impacts which arise in connection with the approval of the modification(s).

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15-13-005 Maintenance & Discontinuance

A. All towers shall be maintained in compliance with all federal, state and local regulations; and in good condition, order and repair so as to not menace or endanger the life or property of any person.

B. In the event that the use of a tower is discontinued by the tower owner, the tower owner shall provide written notice to the Town of its intent to discontinue use and the date when the use shall be discontinued. In the event that use is discontinued the tower owner shall be required to remove the tower within 180 days of last date of use, unless a written extension is granted by the Zoning Administrator. If the tower owner fails to remove a tower pursuant to this subsection, the Town may use the proceeds of any bond posted pursuant to 15-13-002.A.2., to effect removal of the tower.

Town of Payson
Unified Development Code
Section 15-14

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Adopted
By Ordinance #466
February 22, 1996
Updated June 1, 2011

This Unified Development Code and/or any other documents that appear in this version of the UDC may not reflect the most current legislation adopted by the Municipality. Any updates or revisions can be found on the Town's website as they become available.

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15-14 HOME OCCUPATIONS

15-14-001 Purpose and Intent

The Town of Payson desires to enable its residents to use their residence for Home Occupations to facilitate economic development, but also recognizes the need to protect surrounding residential uses from potential adverse impacts generated by business activities. The action of approving a Home Occupation constitutes a finding that the use will not adversely impact surrounding properties.

15-14-002 Applicability

The requirements of this Section shall be applicable to all areas that are zoned residential and all areas where a residential use has been established regardless of zoning classification.

15-14-003 Home Occupations

A. No Home Occupations shall be operated unless such Home Occupation is in compliance with the provisions of this Section and any Conditional Use Permit required and obtained pursuant to this Section.

B. Except as otherwise provided in this Section, Home Occupations are subject to all of the requirements of the Unified Development Code and the Code of the Town of Payson including, but not limited to, all adopted fire and/or construction codes.

15-14-004 Licensing, Inspections, and Approvals

A. All Home Occupations are subject to the provisions of Chapter 110 (Business Licensing) of the Code of the Town of Payson.

B. Representatives of the Community Development and Fire Departments may inspect any Home Occupation to verify compliance with provisions of this Section, stipulations of any Conditional Use Permit issued pursuant to this Section, and compliance with all other Town Codes including, but not limited to the adopted fire and building codes. Unless a potential hazard involving life and/or safety is involved, all such inspections shall occur between the hours of 8:00 a.m. and 5:00 p.m. and upon 24 hours notice.

C. Approvals

1. Prior to operating a Home Occupation, the owner/operator of such Home Occupation shall submit a written description of the Home Occupation and certify that the Home Occupation will comply with the provisions of this Section.
2. An approval for a Level One or a Level Two Home Occupation will be issued by the Community Development Director concurrently with the issuance of a Business License. If a Business License is not required, an approval of a Level One or Level Two Home Occupation may be issued at anytime.
3. Approvals for Level Three Home Occupations (Conditional Use Permits) shall be issued in accordance with Section 15-09-004.
4. An approval obtained pursuant to this subsection shall satisfy the Business Occupancy Permit under Section 110.07 of the Town Code.
5. The Town of Payson does not enforce covenants, conditions and restrictions (CC&R's). Nothing in this Section restricts, amends, or changes any covenants, conditions and restrictions.

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15-14-005 Prohibited Home Occupations

The following uses shall be prohibited as Home Occupations except as noted:

A. Motor vehicle repair services

B. Kennels

C. Restaurants, clubs and drinking establishments

D. Undertaking and funeral parlors

E. Adult uses, including but not limited to entertainment establishment and theaters.

F. Storage of firewood for sale

G. Taxi services; transit, express mail or package carriers.

H. Stables and pet grooming services.

15-14-006 Level One - Minor Home Occupations

A. Scale/Character
A Level One - Minor Home Occupation is a Home Occupation conducted entirely within a residence, is clearly incidental to the use of the structure as a residence, and commensurate with quiet family living.

B. Allowable Locations
Any single family residence, apartment, condominium, guest house, guest quarters, or accessory dwelling unit located in any zoning district.

C. Employees
No employees other than immediate family members residing at the residence are permitted unless authorized by a Conditional Use Permit. Under a Conditional Use Permit, no more than one non-resident employee may be allowed.

D. Accessory Space, Storage, and Outside Uses/Displays
1. Accessory Space may be used only for storage
2. Outside storage and/or uses are prohibited
3. No product, merchandise, or goods may be displayed in a manner so that it is visible from outside the residence.

E. Vehicles/Traffic, Parking, and Access
1. Total Vehicle Trips shall not exceed 2 per day.
2. Vehicles associated with the Home Occupation and parked on site shall:
   a. not exceed two at any time, including employee and client vehicles;
   b. not be larger than one ton type vehicles; and
   c. be in a number and of a type typically associated with a residential use.

3. Additional parking is not required beyond what is required for residential use.
4. Vehicles related to the Home Occupation shall not be stored, parked, or repaired on the public right of way.
5. Delivery vehicles other than passenger vehicles, mail carriers, and express carriers (such as U.S. Postal Service, United Parcel Service, and Federal Express) are prohibited.

F. Noise
1. No noise that is discernable outside the residence is permitted.
2. Noise generated by passenger vehicles is exempt from the provisions of this Subsection.

G. Equipment
Equipment not typically associated with residential uses that is used in the Home Occupation shall not (1) create vibrations, heat, glare, dust, odors, or smoke discernable at the property lines; (2) create electrical or magnetic interference off the premises of the dwelling unit; or (3) consume utility quantities that negatively impact the delivery of those utilities to surrounding properties.

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15-14-007 Level Two - Intermediate Home Occupations

A. Scale/Character
A Level Two - Intermediate Home Occupation is a Home Occupation conducted predominantly within a single family residential unit located in a transitional area between commercial uses and quiet single family living, that is incidental to the use of the structure as a residence, has limited parking and vehicular traffic, and retains its residential character.

B. Allowable Locations
1. Any single family detached residence located in a R2 or R3 zoning district.
2. Any single family detached residence located in a R1 zoning district that fronts and takes access from an arterial roadway.
3. Any single family detached residence located on a parcel that is either one acre or more in size, or exceeds the zoning district minimum lot size by 100%.
4. Level Two - Intermediate Home Occupations are prohibited in town houses, apartments, condominiums, guest houses, guest quarters, or accessory dwelling units.

C. Employees
Up to three employees are permitted.

D. Accessory Space, Storage, and Outside Uses/Displays
1. Use of up to 500 square feet of Accessory Space is permitted.
2. Outside storage and/or uses are prohibited.
3. No product, merchandise, or goods may be displayed in a manner so that they are visible from outside the residence.

E. Vehicles/Traffic, Parking, and Access
1. Total Vehicle Trips shall not exceed 20 per day.
2. Vehicles associated with the Home Occupation and parked on site shall:
   a. not exceed four at any time, including employee and client vehicles;
   b. not be larger than one ton type vehicles; and
   c. be in a number and of a type typically associated with a residential use.

3. Employee and client parking shall be in defined areas and such areas shall be accessible, designed, and surfaced for parking.
4. Vehicles related to the Home Occupation shall not be stored, parked, or repaired on the public right of way.
5. All vehicular traffic shall access via a public or private roadway.

F. Noise

1. Between 8:00 a.m. and 5:00 p.m. no noise that exceeds the greater of 60 dba or the ambient noise level outside the residence is permitted.
2. Between 5:00 p.m. and 8:00 a.m., no noise that is discernable outside the residence is permitted.
3. Noise generated by passenger vehicles is exempt from the provisions of this Subsection.

G. Equipment

Equipment not typically associated with residential uses that is used in the Home Occupation shall not (1) create vibrations, heat, glare, dust, odors, or smoke discernable at the property lines; (2) create electrical or magnetic interference off the premises of the dwelling unit; or (3) consume utility quantities that negatively impact the delivery of those utilities to surrounding properties.

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15-14-008 Level Three - Major Home Occupations

A. Scale/Character

A Level Three - Major Home Occupation is a Home Occupation conducted predominantly within a single family residential unit located in a commercial area that could accommodate a limited number of employees and vehicle traffic, and such use does not detract from any adjoining residential uses.

B. Allowable Locations

1. With the issuance of a Conditional Use Permit, in any single family detached residence located within a commercial zoning district.
2. Level Three - Major Home Occupations are prohibited in town houses, apartments, condominiums, guest houses, guest quarters, or accessory dwelling units.

C. Employees

Up to five employees may be permitted.\

D. Accessory Space, Storage, and Outside Uses/Displays

1. Use of up to 1500 square feet of Accessory Space is permitted
2. Outside storage and/or uses are prohibited
3. No product, merchandise, or goods may be displayed in a manner so that they are visible from outside of the residence.

E. Vehicles/Traffic/Parking/Access

1. Total Vehicle Trips shall not exceed 30 per day.
2. Vehicles associated with the Home Occupation and parked on site at any time shall not exceed five, including employee and client vehicles.
3. Employee and client parking shall be in defined areas and such areas shall be accessible, designed, and surfaced for vehicular parking.

4. Vehicles related to the Home Occupation shall not be stored, parked, or repaired on the public right of way.
5. All vehicular traffic shall access via an improved public roadway.

F. Noise

1. Between 8:00 a.m. and 5:00 p.m. no noise that exceeds the greater of 60 dba or the ambient noise level outside the residence is permitted.
2. Between 5:00 p.m. and 8:00 a.m., no noise that is discernable outside the residence is permitted.
3. Noise generated by passenger vehicles is exempt from the provisions of this Subsection.

G. Equipment

Equipment not typically associated with residential uses that is used in the Home Occupation shall not (1) create vibrations, heat, glare, dust, odors, or smoke discernable at the property lines; (2) create electrical or magnetic interference off the premises of the dwelling unit; or (3) consume utility quantities that negatively impact the delivery of those utilities to surrounding properties.

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15-14-009 Relief

A. Relief from the prohibitions under 15-14-005(G) and/or (H) may be granted through the issuance of a Conditional Use Permit.

B. Except as set forth in Subsection C below, a Home Occupation having direct vehicular access from an improved dedicated roadway that is classified as a collector, arterial, or highway (as identified in the Town of Payson Roadway Classification) may be granted relief from any of the standards set forth in 15-14-006 through 15-14-008 through the issuance of a Conditional Use Permit.

C. The following limitations apply to all Home Occupations

Accessory Space shall not exceed 3,000 square feet.

D. An applicant seeking relief pursuant to this Subsection shall demonstrate (1) the availability of services adequate to serve the proposed use, including transportation, public facilities and other services existing or planned for the area affected by the use; and (2) compatibility with existing land uses.

E. In determining if a Conditional Use Permit should be issued pursuant to this Subsection, the following factors shall be considered:

1. The number of specific standards from which relief is sought; it is presumed that the more standards are exceeded, the more difficult it will be to demonstrate compatibility;
2. The character of the neighborhood, including such factors as the presence of other similar uses, proximity of other dwellings, the level of surrounding traffic, the size of accessory buildings, background noise levels, and other outside uses;
3. The ability to mitigate impacts by screening, landscaping, building location, building design and other property improvements (for example driveway or road improvements);
4. Potential environmental impacts, including effects on air and water quality;

5. Provision of adequate and safe access to public roadways; and
6. All other factors listed in 15-09-004.

Town of Payson
Unified Development Code
Sections 15-15

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15-15 MEDICAL MARIJUANA USES

15-15-001 Application

The minimum requirements of this Section shall apply to all medical marijuana dispensaries and medical marijuana dispensary offsite cultivation locations located in any zoning district.

15-15-002 Administrative Permit

A. Application. An applicant for any medical marijuana dispensary or medical marijuana dispensary offsite cultivation location permit shall provide the following:

1. A notarized authorization executed by the property owner acknowledging and consenting to the proposed use of the property as a medical marijuana dispensary or a medical marijuana dispensary offsite cultivation location, as applicable;
2. The legal name of the medical marijuana dispensary or medical marijuana dispensary offsite cultivation location;
3. If the application is for a medical marijuana dispensary offsite cultivation location the name and location of the medical marijuana dispensary with which it is associated;
4. The name, address, and birth date of each officer and board member of the nonprofit medical marijuana dispensary;
5. The name, address, birth date, and valid registry identification card number of each nonprofit medical marijuana dispensary agent;
6. A copy of the operating procedures adopted in compliance with A.R.S. §36-2804(B)(1)(c);
7. A notarized certification that none of the nonprofit medical marijuana dispensary officers or board members have been convicted of any of the following offenses:
   a. A violent crime as defined in A.R.S. §13-901.03(B) that was classified as a felony in the jurisdiction where the person was convicted; or
   b. A violation of state or federal controlled substance law that was classified as a felony in the jurisdiction where the person was convicted except an offense for which the sentence including any term of probation, incarceration, or supervised release was completed ten or more years earlier or an offense involving conduct that would be immune from arrest, prosecution, or penalty under A.R.S. §36-2811 except that the conduct occurred before the effective date of that statute or was prosecuted by an authority other than the State of Arizona
8. A notarized certification that none of the nonprofit medical marijuana dispensary officers or board members has served as an officer or board member for a medical marijuana dispensary that has had its registration certificate revoked;

9. A floor plan showing the ingress and egress locations, dimensions, and type of security measures demonstrating that the medical marijuana dispensary or medical marijuana dispensary offsite cultivation location will be secured, enclosed, and locked as required by law;
10. For locations where cultivation will take place, the method of cultivation, including, but not limited to electrical, ventilation, sewer, and watering plans;
11. A disposal plan showing the method and manner for disposing of all marijuana remnants or byproducts. Such disposal shall not be in any outdoor refuse containers;
12. A scale drawing depicting the property lines and the separations from the nearest property boundary of the parcel containing the medical marijuana dispensary or medical marijuana dispensary offsite cultivation location to the property boundary of the parcel containing any existing uses listed in Section 15-15-005. If any of the uses are located within 50 feet of the minimum separation, the drawing showing actual surveyed separations shall be prepared by a registered land surveyor;
13. Proof of compliance with any Gila County Ordinances regulating medical marijuana.

B. Approval. Within 15 calendar days of receipt of a complete application that is in full compliance with Section 15-15 and includes all required documentation, the Zoning Administrator shall issue an administrative approval.

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15-15-003 Hours of Operation

A medical marijuana dispensary shall have operating hours not earlier than 9:00 am and not later than 5:00 p.m.

15-15-004 Requirements

Medical marijuana dispensaries and medical marijuana dispensary offsite cultivation locations shall:

A. Be located in a permanent building that has been issued a certificate of occupancy and may not be located in a trailer, cargo container, mobile storage unit, motor vehicle or other non permanent structure;

B. Not have drive-through service;

C. Not emit dust, fumes, vapors, or odors beyond the exterior walls of the Dispensary;

D. Not provide offsite delivery of medical marijuana;

E. Prohibit consumption of marijuana on the premises;

F. Not have outdoor seating areas;

G. Display the administrative permit or approval issued pursuant to Section 15-15-002(B);

H. Display a current registration certificate issued by the State of Arizona pursuant to A.R.S. §36-2804;

I. Be in a building or suite used exclusively for medical marijuana and related supplies and education materials. No other sales of retail items, including alcohol, may be sold at a medical marijuana dispensary;

J. Medical marijuana dispensaries shall have a sign that is clearly legible and visible from the entrance containing the words “Medical Marijuana Dispensary” in at least 4 inch letters;

K. A medical marijuana dispensary offsite cultivation location shall not have any signage identifying it as a medical marijuana dispensary offsite cultivation location;

L. Provide adequate security measures to ensure that the requirements of A.R.S. 36-2801, et. seq., all Arizona Department of Health Services Regulations, and this Section are met and that theft is discouraged. Such security measures shall include at least the following:

   1. A fully functioning security alarm system;

   2. Adequate exterior lighting; and

   3. Security video monitoring system that retains all video feed for a minimum of 30 days.

M. All medical marijuana dispensaries located in C-2 zoning shall have frontage on, vehicular access to, and the primary entrance that faces a State Highway.

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15-15-005 Separations

A medical marijuana dispensary or medical marijuana dispensary offsite cultivation location shall meet the following minimum separations measured in a straight line from the boundary of the parcel containing the medical marijuana dispensary or medical marijuana dispensary offsite cultivation location to the property boundary of the parcel containing any existing uses listed below:

A. 1000 feet from any other medical marijuana dispensary or medical marijuana dispensary offsite cultivation location;

B. 1000 feet from a residential substance abuse diagnostic and treatment facility or other residential drug or alcohol rehabilitation facility;

C. 500 feet from a public, private, parochial, charter, dramatic, dancing, music, learning center, or other similar school or educational facility that caters to minors;

D. 500 feet from a childcare center;

E. 500 feet from a public library or public park;

F. 500 feet from a church;

G. 500 feet from a facility devoted to family recreation or entertainment, including but not limited to movie theaters, bowling, mini golf, batting cages, and arcades.

15-15-006 Medical Marijuana Dispensary Offsite Cultivation Locations

A medical marijuana dispensary offsite cultivation location not associated with a medical marijuana dispensary is prohibited and only one medical marijuana dispensary offsite cultivation location shall be permitted for the single medical marijuana dispensary with which it is associated.

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15-15-007 Number

The number of medical marijuana dispensaries permitted within the limits of the Town of Payson shall be limited to two. The number of permitted medical marijuana dispensaries shall be increased by one for each population increase of 50,000 over and above the official 2010 census for Payson