

**ORDINANCE NO. 965**

**AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE TOWN OF PAYSON, ARIZONA, AMENDING THE ZONING MAP, AND THE ZONING CODE FOR THE TOWN OF PAYSON BY REZONING APPROXIMATELY 26.10 ACRES OF REAL PROPERTY WITHIN THE TIMBER RIDGE PLANNED AREA DEVELOPMENT (PAD) GENERALLY LOCATED AT 300 W. RUMSEY DR., AS MORE PARTICULARLY DESCRIBED ON EXHIBIT A, TO ADD A MANUFACTURED HOME OVERLAY, PERMITTING THE CONSTRUCTION OF BOTH MANUFACTURED HOMES AND SITE-BUILT HOMES WITHIN THE SUBDIVISION.**

**WHEREAS**, the Town of Payson from time to time amends its Official Zoning Map and Official Zoning Code for the purpose of accommodating zoning changes; and

**WHEREAS**, Desert Coast Development, LLC, on behalf of its owners, Widdershins, LLC and Fieldbrook Payson Partners, LLC, submitted Application P24-002 to amend the Official Zoning Map and Official Zoning Code for the Timber Ridge Planned Area Development (PAD) related to approximately 26.10 acres of real property generally located at 300 West Rumsey Drive, as more particularly described on Exhibit A herein, to add a manufactured home overlay, which will permit the construction of both manufactured homes and site-built homes within the subdivision (the "Application"); and

**WHEREAS**, the Town of Payson's Planning and Zoning Commission, on May 28, 2024, voted to recommend the Application, and forwarded such recommendation to the Town Council.

**NOW, THEREFORE, IT IS HEREBY ORDAINED BY THE MAYOR AND COUNCIL OF THE TOWN OF PAYSON, ARIZONA, AS FOLLOWS:**

**Section 1:** The Town of Payson, the Official Zoning Map and Payson's Zoning Code are amended to establish a change of zoning for that real property generally located at 300 West Rumsey Drive, as more particularly described on Exhibit A herein, to add a manufactured home overlay, which will permit the construction of both manufactured homes and site-built homes within the subdivision.

**Section 2:** The requested rezoning of the Property as proposed by Application P24-002 is consistent with the Town of Payson General Plan, as amended, as required by A.R.S. § 9-462.01(F).

**Section 3.** This rezoning is subject to the following conditions, the violation of which shall be treated in the same manner as a violation of Title XV of the Town of Payson Town Code (but which shall not cause a reversion of this rezoning), and which shall be binding on the property owners and their successors in interest:

1. Development shall comply with all Town of Payson requirements.
2. Development shall be in substantial conformance with the Timber Ridge Planned Area Development Zone Change Ordinance 928.

**FIRST READING AND PUBLIC HEARING**

**JUN 12 2024 F 1**

**SECOND READING AND PUBLIC HEARING**

**JUN 26 2024 F 4**


3. If any of the conditions listed above cannot be met or if the applicant or developer does not have approved Improvement Plans and Building Permits within two (2) years of the approval date of the rezoning ordinance the Council, after notification by certified mail to the owner and applicant who requested the manufactured home overlay, may 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 rescind the manufactured home overlay.
4. The Developer will be required to place a 6 ft solid fence along the northern property boundary.
5. Each single-family residential lot will be required to provide by the Developer, at the time of building permit, a minimum of a one car carport with storage, or a one car garage. If lot size prevents the addition of either of these options, a storage shed with a minimum of 80 square feet will be provided on the lot.

**Section 4:** In addition to the provisions of Section 5 below, this Ordinance shall not become effective until the Town files with the Gila County Recorder an instrument (in a form acceptable to the Town Attorney), executed by the Property owner and any other party having any title interest in the Property, that waives any potential claims against the Town under the Arizona Property Rights Protection Act (A.R.S. § 12-1131, *et seq.*, and specifically A.R.S. § 12-1134) as a result of the Town’s adoption of this Ordinance. If this waiver instrument is not executed and provided to the Town for recording within 14 calendar days after this Ordinance is approved, this Ordinance shall be void and of no force and effect.

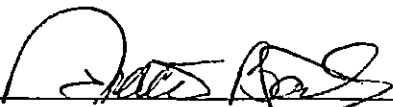
**Section 5.** Pursuant to A.R.S. § 19-142 and Town Code § 30.54, this Ordinance, if not otherwise void pursuant to Section 4 above, shall not become operative until 30 days after its passage.

**PASSED AND ADOPTED BY THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA** this 26<sup>th</sup> day of June, 2024, by the following vote:

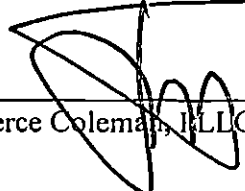
AYES 7 NOES 0 ABSTENTIONS 0 ABSENT 0

  
 \_\_\_\_\_  
 Christopher Higgins, Mayor

ATTEST:

  
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 Tracie Bailey, Town Clerk

APPROVED AS TO FORM:

  
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 Pierce Coleman, LLC, Town Attorney