ORDINANCE NO. 875

AN ORDINANCE OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF PAYSON, ARIZONA, ADDING PAYSON TOWN CODE SECTIONS 154-02-004(B)(11), (12) AND (13) OF THE UNIFIED DEVELOPMENT CODE RELATING TO USE OF RECREATIONAL VEHICLES AS TEMPORARY DWELLINGS AND ADDING THE DEFINITION OF "QUICK CONNECT/DISCONNECT SERVICES" TO SECTION 154-11-002 OF THE UNIFIED DEVELOPMENT CODE.

WHEREAS, the Code of the Town of Payson ("Code") was declared to be a public record by Resolution 1536 and was adopted as a public record by Ordinance 588; and

WHEREAS, the Town of Payson ("Town") currently prohibits the use of recreational vehicles for dwelling purposes unless they are located in an RV park or are part of a limited number of spaces located within a manufactured home park; and

WHEREAS, on September 21, 2015, the Town Planning and Zoning Commission held a public hearing regarding proposed additions to UDC Sections 154-02-004 (Residential Districts) and 154-11-002 (Definitions) that would allow recreational vehicles to be used as temporary dwellings in conjunction with residential uses/residential zoning districts under certain circumstances and subject to specific limitations, and recommended disapproval of said UDC additions; and

WHEREAS, the Town Council held Public Hearings on October 15, 2015 and November 5, 2015 on the proposed additions to UDC Sections 154-02-004 and 154-11-002 and desires to enact said additions to the UDC,

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

SECTION 1: The additions to UDC Sections 154-02-004 and 154-11-002 of the UDC set forth in Resolution 2880 were declared to be a public record by Resolution 2880, and are referred to and adopted by reference as though set forth in full in this Ordinance.

SECTION 2: At least three copies of the proposed UDC additions adopted by this Ordinance shall be filed in the Office of the Town Clerk and shall be kept available for public use and inspection.

SECTION 3: All ordinances and parts of ordinances in conflict with the provisions of this Ordinance or any part of the Code adopted herein by reference are hereby repealed.

SECTION 4: If any section, subsection, sentence, clause, phrase or portion of this Ordinance or any part of the Code adopted herein is for any reason held to be invalid or unconstitutional by the

Second Reading + Public Hearing NOV 0 5 2015 D.S.B

First Reading + Public Hrg. OCT 1 5 2015 G.7

decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions thereof.

SECTION 5: The provisions of this Ordinance No. 875 shall sunset sixty months from the effective date hereof on December 5, 2020, with a review period to be conducted during the five months preceding December 5, 2020.

PASSED AND ADOPTED by the Mayor and Town Council of the Town of Payson, Arizona, this _____ day of November, 2015, by the following vote:

AYES: _____ NOES: _____ ABSTENTIONS: _____ ABSENT: _____

_____
Kenny J. Evans, Mayor

ATTEST:

_____
Silvia Smith, Town Clerk

APPROVED AS TO FORM:

_____
Hector M. Figueroa, Town Attorney

Prepared by Town of Payson Legal Department
HMF:drs 10/2/2015 1:15 PM
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RESOLUTION NO. 2880

IS PRESENTED FOR

INFORMATION ONLY

AT THE

OCTOBER 15, 2015

COUNCIL MEETING

RESOLUTION NO. 2880

WILL BE PRESENTED

AS AN ACTION ITEM

AT THE

NOVEMBER 5, 2015

COUNCIL MEETING

RESOLUTION NO. 2880

A RESOLUTION OF THE MAYOR AND TOWN COUNCIL OF PAYSON, ARIZONA, ADDING PAYSON TOWN CODE SECTIONS 154-02-004(B)(11), (12), (13), AND (14) TO THE UNIFIED DEVELOPMENT CODE RELATING TO USE OF RECREATIONAL VEHICLES AS TEMPORARY DWELLINGS AND ADDING THE DEFINITION OF "QUICK CONNECT/DISCONNECT SERVICES" TO SECTION 154-11-002 OF THE UNIFIED DEVELOPMENT CODE, AND DECLARING SUCH ADDITIONS TO BE A PUBLIC RECORD.

WHEREAS, the Code of the Town of Payson was declared to be a public record by Resolution 1536 and was adopted as a public record by Ordinance 588; and

WHEREAS, the Town of Payson ("Town") currently prohibits the use of recreational vehicles ("RVs") for dwelling purposes unless they are located in an RV park or are part of a limited number of spaces located within a manufactured home park; and

WHEREAS, on September 21, 2015 and August 3, 2015, the Town Planning and Zoning Commission held public hearings regarding proposed additions to UDC Sections 154-02-004 (Residential Districts) and 154-11-002 (Definitions) that would allow recreational vehicles to be used as temporary dwellings in conjunction with residential uses/residential zoning districts under certain circumstances and with specific limitations, and recommended disapproval of said UDC additions; and

WHEREAS, allowable circumstances under which use of RVs for temporary dwellings would include hosting guests/family members for short-term visits, and for caregivers to provide in-home care for patients so that residents could remain in their home and receive short-term health care assistance if medically necessary; and

WHEREAS, the Town Council held public hearings on October 15, 2015 and November 5, 2015 on the proposed additions to UDC Sections 154-02-004 and 154-11-002 and desires to enact said UDC additions; and

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

WHEREAS, because of concerns associated with Proposition 207 (The Private Property Rights Protection Act), Staff recommends that the additions to the UDC relating to use of RVs as temporary dwellings be enacted for a period of sixty months with a review period to take place during the five months prior to their expiration,

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

Section 1. Sections 154-02-004(B)(11), (12), (13), and (14) are hereby added to the Town of Payson Unified Development Code, declared to be a public record, and shall read as follows:

§ 154-02-004 RESIDENTIAL DISTRICTS.

(B) *Residential district stipulations and provisions.*

(9) *Trailers or recreational vehicles.*

(a) Recreational vehicles and trailers may be parked on private property subject to the provisions below:

1. Recreational vehicles shall not be used as permanent dwellings;

2. Recreational vehicles shall not be connected to a sewer system other than in an approved manufactured home park

3. Recreational vehicles and/or trailers shall not be used for storage purposes or as an accessory building.

(b) Trailers and recreational vehicles shall not be parked on any town street or right-of-way except as provided in divisions (c) and (d) below.

(c) Property owners and lessees may park one non-commercial trailer, recreational vehicle, or commercial trailer not exceeding 40 feet in length, per parcel, in the unimproved portion of the right- of-way between their property and the roadway improvements subject to the following:

1. Parking is prohibited within 35 feet of an intersection.

2. Parking must be at least three feet behind any right-of-way improvements.

3. Parking must be at least five feet from a parcel owned by someone other than the property owner or lessee.

4. Parking is prohibited when it creates a traffic hazard.

5. Any trailer or recreational vehicle parked in the unimproved portion of the right- of-way may be removed by the town or other utility when necessary to install, improve, repair, or remove public utilities in the right-of-way. Except in cases of emergency, the town utility shall provide five working days notice requesting the owner to remove the trailer or recreational vehicle.

6. The Public Works Director may temporarily prohibit parking in specific portions of the unimproved right-of-way. The Public Works Director, upon confirmation of the Town Manager, may permanently prohibit parking in specific portions of the unimproved right-of-way.

7. A right-of-way permit must be obtained if a homeowner desires to make any modification, excavation or other improvement in the right-of-way.

(d) Recreational vehicles may be temporarily parked in the improved portion of the right-of-way for temporary loading and unloading subject to the following:

1. Temporary parking shall not exceed 24 consecutive hours nor more than 48 hours in any calendar month.

2. Temporary parking is prohibited in a no parking zone or if it creates a traffic hazard including, but not limited to impairing vision in sight triangles at intersections or not allowing vehicles to safely pass on the street.

(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.

(11) One (1) recreational vehicle may be allowed on a property that has a primary single family residential use established for up to one 14-day period for visitation purposes subject to the provisions below:

(a) A Temporary Parking Pass shall be displayed on the RV.

(b) No more than one recreational vehicle parking pass and/or zoning permit shall be allowed at any one time.

(c) The use of a Temporary Parking Pass shall be limited to a maximum of 14 days per calendar year.

(d) Generator use is prohibited between the hours of 10:00 p.m. and 6:00 a.m.

(e) Recreational vehicles used for visitation purposes shall not be allowed within the front yard, unless the vehicle is located completely upon a paved driveway.

(f) Utility connections shall be quick-connect/disconnect services only.

(12) One (1) recreational vehicle may be allowed on a property that has a primary single family residential use established for up to one 90-day period for visitation purposes subject to the provisions below:

(a) prior to the start of the 90-day period a zoning permit shall be obtained and approved by the Zoning Administrator or his/her designee;

(b) The recreational vehicle shall not be allowed within any front yard and shall be limited to the side yard or rear yard only;

(c) The issuance of a zoning permit for the use of a recreational vehicle for visitation purposes shall not exceed 90 days per calendar year (76 days if a temporary parking pass has also been issued for the same property).

(d) Recreational vehicles used for visitation purposes shall not be allowed within the front yard.

(13) One (1) recreational vehicle may be placed on a single family residential property or upon a property utilized for single family dwelling purposes for the purpose of short-term occupancy of a health care provider or for short term lodging subject to the provisions below.

(a) prior to placement of the recreational vehicle a zoning permit must be completed and approved by the Zoning Administrator (or designee);

(b) The length of the permit shall not exceed one (1) year;

(c) Evidence of the need for a short-term care provider must be provided at time of application.

(d) Utility connections shall be quick-connect/disconnect services only.

(e) Generator use is prohibited between the hours of 10:00 p.m. and 6:00 a.m.

(f) Recreational vehicles used for health care provider purposes shall not be allowed within the front yard.

(14) Exceptions may be granted at the discretion of the Zoning Administrator for properties 2 acres in size or larger that would allow up to one additional recreational vehicle to be utilized concurrently with any Temporary Parking Pass, zoning permit, or health care provider lodging.

Section 2. The definition of "Quick Connect/Disconnect Services" is hereby added to UDC Section 154-11-002 (Definitions), declared to be a public record and shall read as follows:

§ 154-11 Definitions
Quick connect/disconnect services - (Temporary water and power supply to) - The temporary supplying of power and/or water to a recreational vehicle via external sources. Quick-connect/disconnect services specifically preclude any type of connection to sanitary sewer or septic systems.

Section 3. The provisions of this Resolution No. 2880 shall sunset sixty months from the effective date hereof on December 5, 2020, with a review period to be conducted during the five months preceding December 5, 2020.

Section 4. If any portion of this Resolution is held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this Resolution.

Section 5. This Resolution is hereby declared to be a public record.

PASSED AND ADOPTED BY THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON this _____ day of November, 2015, by the following vote:

AYES _____ NOES _____ ABSTENTIONS _____ ABSENT _____

_____
Kenny J. Evans, Mayor

ATTEST:

_____
Silvia Smith, Town Clerk

APPROVED AS TO FORM:

_____
Hector M. Figueroa, Town Attorney

Prepared by Town of Payson Legal Department
HMF: drs 10/2/2015 1:30 PM
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