ORDINANCE NO. 879

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE TOWN OF PAYSON, ARIZONA, AMENDING PAYSON TOWN CODE SECTION 154-02-003 TO THE UNIFIED DEVELOPMENT CODE RELATING TO THE MOBILE STORAGE DEFINITION TO ALLOW FOR REFRIGERATED UNITS BY RESTAURANTS AND GROCERY STORES, ESTABLISHING A SUNSET CLAUSE AND DECLARING SUCH AMENDMENT AND ADDITION TO BE A PUBLIC RECORD.

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, in 1996, the Mayor and Council approved Ordinance 466 adopting the Unified Development Code ("UDC") and in 2014 approved Ordinance 850 incorporating the UDC into the main Town Code compilation; and

WHEREAS, the Code currently prohibits mobile storage units from being connected to utilities; and

WHEREAS, on May 2nd, 2016, the Town Planning and Zoning Commission held a public hearing regarding the proposed amendment to Unified Development Code Section 154-11-002 (Definitions) regarding removing the prohibition against Mobile Storage Units being connected to utilities and recommended approval to the Town Council of said amendment and recommended approval to the Town Council of said amendment; and

WHEREAS, the Town Council held Public Hearings on May 19, 2016 and June 2, 2016 on the proposed amendment to UDC Section 154-11-002 and desires to enact said amendment to the UDC; and

WHEREAS, the Town Council heard and considered public input at a Public Hearing and, because of concerns associated with Proposition 207 (The Private Property Rights Protection Act), desires to address concerns and suggestions received by establishing and adopting a Sunset Clause for the Amendment to run concurrently; and

WHEREAS, Resolution 2878 extended the UDC provisions regulating the use of Mobile Storage Units enacted with Ordinance 830 and Resolution 2707 to December 1, 2021 with a review to occur six months prior to sunset date to run concurrent.

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

SECTION 1: That the Mobile Storage Unit Definition set forth in Section 154-11-002 of Chapter 154 (the Unified Development Code) of the Code of the Town of Payson is hereby amended and shall read as follows:

MAY 19 2016 G.6

Mobile Storage Unit - A structurally unaltered portable storage container that may be transported by truck and/or trailer that is used as an accessory structure and is not designed for human/animal occupancy nor connected to utilities***-except for refrigerated units used in conjunction with grocery and/or restaurant type operations.*** Mobile Storage Unit shall not include containers used as part of a recycling program approved by the Town council.

SECTION 2: If any portion of this Ordinance is held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this Ordinance.

PASSED AND ADOPTED by the Mayor and Town Council of the Town of Payson, Arizona, this 2nd day of June, 2016, 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

Town of Payson Legal Department
HMF:dkk
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