

ORDINANCE NO. 830

AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, AMENDING THE PROVISIONS OF SECTION 15-02-003 OF THE UNIFIED DEVELOPMENT CODE RELATING TO MOBILE STORAGE UNITS, RAILROAD CARS, TRACTOR TRAILER UNITS, AND SHIPPING CONTAINERS AND ADDING A DEFINITION FOR THE TERM 'MOBILE STORAGE UNIT.'

WHEREAS, the Town of Payson regulates the placement and use for storage of Mobile Storage Units, Railroad Cars, Tractor Trailer Units, and Shipping Containers; and

WHEREAS, on October 4, 2012, the Town Council directed Town Staff to work with the Planning and Zoning Commission to explore options for amending the Town's restrictions on the use of these types of containers for storage; and

WHEREAS, the Planning and Zoning Commission held Public Hearings on December 10, 2012, January 14, 2013, and March 11, 2013 concerning options for amending the Town's restrictions on the use of these type of containers for storage; and

WHEREAS, on March 11, 2013, the Planning and Zoning Commission recommended that the Town Council amend Section 15-02-003 of the Unified Development Code relating to Mobile Storage Containers; and

WHEREAS, the Town desires to amend Sections 15-05-005(A)(9) and add a definition for 'Mobile Storage Containers;' and

WHEREAS, because of concerns associated with Proposition 207 (The Private Property Rights Protection Act), the Town Council desires that the amendments related to Mobile Storage Units be enacted for a period of 36 months with a review process to take place during the 6 months prior to their expiration,

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

Section 1. That the amendments to Section 15-02-003(A)(9) (relating to Mobile Storage Units, Railroad Cars, Tractor Trailer Units, and Shipping Containers) of the Unified Development Code of the Town of Payson set forth in Exhibit A to Resolution 2707 were declared to be a public record, and that the amendments are hereby referred to and adopted by this reference as though all the provisions thereof were set forth in full in this Ordinance.

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- Section 2. That the amendment to Section 15-11 (Definitions) of the Unified Development Code of the Town of Payson adding a definition for 'Mobile Storage Unit,' set forth in Resolution 2707 was declared to be a public record, and is hereby referred to and adopted by this reference as though all the provisions thereof were set forth in full in this Ordinance.
- Section 3. If any section, subsection, or portion of this Ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance.
- Section 4. That the amendments set forth in this Ordinance shall expire 36 months after the approval of this Ordinance unless such amendments are extended by the Council.
- Section 5. That Town Staff is directed to present a report to the Planning and Zoning Commission on the effects of the amendments 30 months after the approval of this Ordinance; and following the receipt of such report, the Planning and Zoning Commission shall make recommendation to the Town Council on permanently extending, temporarily extending, or letting the amendments expire.

PASSED AND ADOPTED BY THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON this 2<sup>ND</sup> day of May, 2013, by the following vote:

AYES 7 NOES 0 ABSTENTIONS 0 ABSENT 0

  
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 Kenny J. Evans, Mayor

ATTEST:

  
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 Silvia Smith, Town Clerk

APPROVED AS TO FORM:

  
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 Timothy M. Wright, Town Attorney

RESOLUTION NO. 2707

A RESOLUTION OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, AMENDING THE PROVISIONS OF SECTION 15-02-003 OF THE UNIFIED DEVELOPMENT CODE OF THE TOWN OF PAYSON RELATING TO MOBILE STORAGE UNITS, RAILROAD CARS, TRACTOR TRAILER UNITS, AND SHIPPING CONTAINERS, ADDING A DEFINITION FOR THE TERM 'MOBILE STORAGE UNIT,' AND DECLARING SUCH AMENDMENTS TO BE A PUBLIC RECORD.

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

WHEREAS, it is the intention of the Town of Payson to amend the provisions of the Unified Development Code of the Town of Payson relating to Mobile Storage Units, Railroad Cars, Tractor Trailer Units, and Shipping Containers; and

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

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

Section 1. Section 15-02-003(A)(9) (Mobile Storage Units, Railroad Cars, Tractor Trailer Units, and Shipping Containers) of the Unified Development Code of the Town of Payson is hereby amended, is declared to be a public record, and as amended shall read as set forth in Exhibit A.

Section 2. The Definition of "Mobile Storage Unit" under Section 15-11 (Definitions) of the Unified Development Code of the Town of Payson is hereby added, is declared to be a public record, and shall read as follows:

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. Mobile Storage Unit shall not include containers used as part of a recycling program approved by the Town council.

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PASSED AND ADOPTED BY THE MAYOR AND COMMON COUNCIL OF  
THE TOWN OF PAYSON this 2<sup>nd</sup> day of May, 2013, by the following vote:

AYES 7 NOES 0 ABSTENTIONS 0 ABSENT 0

  
Kenny J. Evans, Mayor

APPROVED AS TO FORM:

  
Timothy M. Wright, Town Attorney

ATTEST:

  
Silvia Smith, Town Clerk

## Mobile Storage Units, Railroad Cars, Tractor Trailer Units, and Shipping Containers

- a. 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. Prohibited Storage - No animals or toxic/hazardous materials (as determined by the Fire Marshal and/or the Building Official) may be stored in a Mobile Storage Unit, railroad car, tractor trailer unit, or shipping container.
- c. District Uses
  - i. Industrial Districts - Mobile Storage Units, railroad cars, tractor trailer units, and shipping containers may be used as accessory structures within Industrial Districts.
  - ii. Commercial Districts, Multifamily districts and Non-residential uses within Single Family Residential districts - Mobile Storage Units may be used as accessory structures within Commercial and Residential Districts that have commercial or multifamily uses established subject to the following:
    - (1) Mobile Storage Units shall be limited to a maximum of 320 square feet on parcels less than one acre and a maximum of 640 square feet total on parcels one acre or larger.
    - (2) Mobile Storage Units shall not be stacked nor placed:
      - (a) within three feet of any adjoining property line
      - (b) within a front or street side yard, nor
      - (c) within required landscape areas, open space, or parking areas;
    - (3) Mobile Storage Units shall be painted to match the primary structure's exterior and/or complement the surroundings. Mobile Storage Units may not display markings or advertisements and shall be maintained free of rust, graffiti, and other visual nuisances.
    - (4) Prior to the placement of a Mobile Storage Unit, a permit shall be obtained from the Community Development Department.
    - (5) Mobile Storage Unit permit shall be issued for a period not to exceed twelve months.
  - iii. Single Family Residential Districts and Single Family uses within all districts-- Mobile Storage Units are an allowed accessory use subject to the following:
    - (1) Mobile Storage Units shall be limited to a maximum of 320 square feet on parcels less than one acre and a maximum of 640 square feet total on parcels one acre or larger.
    - (2) Mobile Storage Units shall not be stacked nor placed
      - (a) within three feet of any adjoining property line
      - (b) within a front or street side yard, nor
      - (c) within required landscape areas, open space, or parking areas;
    - (3) Mobile Storage Units shall be painted to match the residence's exterior and/or complement the surroundings. Units may not display markings or advertisements and shall be maintained free of rust, graffiti, and other visual nuisances.

## EXHIBIT A TO RESOLUTION 2707

d. Waivers

- i. A request for a waiver seeking relief from the provisions of subsection (c)(ii)(1) (square footage limitations) may be filed with Community Development Department. Such request shall be processed in the same manner as a request for a Conditional Use Permit except that (1) a citizens participation plan and report is not required; and (2) the decision of the Planning and Zoning Commission shall be final and not subject to appeal.
- ii. A request for a waiver seeking relief from the provisions of subsection (c)(ii)(5) (twelve month time limit) may be filed with the Zoning Administrator. The Zoning Administrator shall disapprove or approve with conditions such requests. In considering a request for such waiver the Zoning Administrator shall review the application based on the Standards of Review utilized for the evaluation of Conditional Use Permits.
- iii. If a request for relief from both subsections (c)(ii)(1) and (c)(ii)(5) is filed, such request shall be processed in accordance with subsection (i) above.

**EXHIBIT A TO RESOLUTION 2707**