

ORDINANCE NO. 962

AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, AMENDING THE PAYSON TOWN CODE, TITLE XV LAND USAGE, CHAPTER 154 UNIFIED DEVELOPMENT CODE, SECTIONS 154-11-002 DEFINITIONS AND SECTIONS 154-12-001 TABLE OF RESIDENTIAL DISTRICT USES; 154-12-002 TABLE OF COMMERCIAL DISTRICT USES AND 154-12-003 TABLE OF INDUSTRIAL DISTRICT USES; RELATED TO RECREATIONAL VEHICLE/TRAVEL TRAILER PARK AND MOBILE HOME TRAILER PARK USES WITHIN THE TOWN; PROVIDING FOR THE REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; PROVIDING FOR PENALTIES AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the Town Council desires to adopt certain regulations related to recreational vehicle/travel trailer park and mobile home trailer park uses within the Town to protect public health, safety, and welfare; and

WHEREAS, in accordance with Article II, Sections 1 and 2, Constitution of Arizona, and the laws of the State of Arizona, the Town Council has considered the individual property rights and personal liberties of the residents of the Town and the probable impact of the proposed ordinance on the cost to construct housing for sale or rent before adopting this ordinance. The Town Council has also considered a housing impact statement in accordance with A.R.S. § 9-462.01(J)(1)-(3); and

WHEREAS, that certain document known as the "The Town of Payson Recreational Vehicle/Travel Trailer Park and Mobile Home Trailer Park Use Updates," of which at least three paper copies or one paper copy and one electronic copy are on file with the Town Clerk for the Town of Payson in compliance with A.R.S. § 9-802, are hereby declared a public record and at all times shall be kept available for public use and inspection.

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

Section 1. General.

The Code of Payson, Arizona, is hereby amended by adding to Title XV Land Usage, Chapter 154 Unified Development Code, Sections 154-11-002 Definitions and Sections 154-12-001 Table of Residential District Uses; 154-12-002 Table of Commercial District Uses and 154-12-003 Table of Industrial District Uses all as set forth in that certain document known as the "The Town of Payson Recreational Vehicle/Travel Trailer Park and Mobile Home Trailer Park Use Updates," which document is hereby adopted and incorporated by reference as attached in Exhibit A of which at least three paper copies or one paper copy and one electronic copy are on

1 **FIRST READING AND PUBLIC HEARING**

F.3
DEC 13 2023

SECOND READING AND PUBLIC HEARING

JAN 10 2024

F.1

file with the Town Clerk for the Town of Payson in compliance with A.R.S. § 9-802, and is hereby declared a public record and at all times shall be kept available for public use and inspection.

Section 2. Repeal of Conflicting Ordinance.

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 3. Providing for Severability.

If any section, subsection, sentence, clause, phrase, or portion of this Ordinance or any part of the Code adopted herein by reference 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 thereof.

Section 4. Providing for Penalties.

Unless otherwise specified, any person found guilty of violating any provision of this Ordinance shall be guilty as set forth below pursuant to Town Code § 154-10-004 Penalties:

(A) *Civil.*

(1) 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 \$50 and maximum civil penalty of \$1,000, for each and every violation of the UDC.

(2) 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 § 10.49 of the Code of the Town of Payson.

Section 5. Effective Date.

Pursuant to A.R.S. § 19-142 and Town Code § 30.54, this Ordinance shall become operative 30 days after its passage.

PASSED AND ADOPTED BY THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA this 10th day of January, 2024, by the following vote:

AYES 6 NOES 0 ABSTENTIONS 0 ABSENT 1

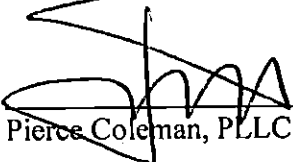


Christopher Higgins, Mayor

ATTEST:



Tracie Bailey, Town Clerk

APPROVED AS TO FORM:


Pierce Coleman, PLLC, Town Attorney

**The Town of Payson Recreational Vehicle/Travel Trailer
Park and Mobile Home Trailer Park Use Updates**

EXHIBIT A

Due to the length of this section, only new and modified definitions are included in the excerpt below:

§ 154-11-002 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:

RECREATIONAL VEHICLE/TRAVEL TRAILER PARK. Land developed for two or more designated sites offered for the use of the public or members of an organization by rent or lease, including park-owned recreational vehicles held out for rent primarily designed to accommodate recreational vehicles and camping. All recreational vehicles placed on site will (A) be on site for fewer than 180 consecutive days and (B) be fully licensed and ready for highway use. A recreational vehicle is **READY FOR HIGHWAY USE** if it is on its wheels or its jacking system is attached to the site only by quick, disconnect-type utilities and security devices, and has no permanently attached additions.

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 **manufactured homes**, mobile homes, travel trailers, motor homes or R.V. vehicles.

§ 154-12-001 TABLE OF RESIDENTIAL DISTRICT USES.

<i>P = Permitted Use N = Use Not Permitted C = Conditional Use Permit</i>	<i>District</i>		
	<i>R-1</i>	<i>R-2</i>	<i>R-3</i>
<i>Use Description</i>			
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 § 154-02-004(E)(1)	P	n/a	n/a
Guest quarters, subject to § 154-02-004(E)(2)	P	n/a	n/a
Accessory dwelling units, subject to § 154-02-004(E)(3)	P	n/a	n/a
Group home (as defined in § 154-11-002)	P	P	P
Recreational vehicle/travel trailer park Mobile Home Trailer Park (allowed only in MHP District)	N	N	N
Public, Institutional and Quasi-Commercial Uses			
Home occupations (Refer to §§ 154-02-001 through 154-02-016)	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

Exhibit A on File with Town Clerk of the Town of Payson

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
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 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 (§ 154-02-004(B)(3)) - minimum one acre lots	P	P	P
Keeping of poultry (§ 154-02-004(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
Marijuana facility or marijuana processing site (subject to provisions of §§ 154-15-001 through 154-15-007	N	N	N

Exhibit A on File with Town Clerk of the Town of Payson

§ 154-12-002 TABLE OF COMMERCIAL DISTRICT USES.

<i>P = Permitted Use N = Use Not Permitted C = Conditional Use Permit</i>	<i>District</i>		
	<i>C-1</i>	<i>C-2</i>	<i>C-3</i>
<i>Use Description</i>			
Agricultural and Related Uses			
All types of agriculture and horticulture, except marijuana facility 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 one-half 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
Offsite cultivation location (subject to provisions of §§ 154-15-001 through 154-15-007)	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
Colleges and universities including associated facilities	P	P	P

Exhibit A on File with Town Clerk of the Town of Payson

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
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

Exhibit A on File with Town Clerk of the Town of Payson

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
Marijuana facility (subject to provisions of §§ <u>154-15-001</u> through <u>154-15-007</u>)	N	P	P
Marijuana processing site (subject to provisions of §§ <u>154-15-001</u> through <u>154-15-007</u>)	N	N	N
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
Outdoor commercial recreation	N	C	C
Hotels and motels	C	P	P
Resorts	N	C	P
Amusement parks, miniature golf, driving & batting ranges, skating rinks	N	C	C
Recreational vehicle/travel trailer park	N	C	C
Vehicle Sales and Services			

Exhibit A on File with Town Clerk of the Town of Payson

Motor vehicle sales, general automotive services, rental, towing, and major vehicular repair (see def. <i>VEHICULAR REPAIR, MAJOR</i> , § 154-11-002)	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. <i>VEHICULAR REPAIR, MINOR</i> , § 154-11-002)	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

§ 154-12-003 TABLE OF INDUSTRIAL DISTRICT USES.

<i>P = Permitted Use Permit N = Use Not Permitted C = Conditional Use</i>	<i>District</i>	
<i>Use Description</i>	<i>M-1</i>	<i>M-2</i>
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 one-half 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

Exhibit A on File with Town Clerk of the Town of Payson

All types of agriculture and horticulture, including offsite cultivation location. (Subject to provisions of §§ 154-15-001 through 154-15-007)	P	P
Residential Uses		
Single family dwelling unit	N	N
For caretaker and family (accessory use only) (site built only)	P	P
Recreational vehicle/travel trailer park	N	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
General retail sales	P	P
Marijuana facility or marijuana processing site (subject to provisions of §§154-15-001 through 154-15-007)	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

Exhibit A on File with Town Clerk of the Town of Payson

Indoor commercial recreation	P	P
Outdoor commercial recreation	P	P
Hotels and motels	P	P
Resorts	P	P
Amusement parks, miniature golf, driving & batting ranges, skating rinks	P	P
Recreational vehicle/travel trailer park	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, oil 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

Exhibit A on File with Town Clerk of the Town of Payson