

ORDINANCE NO. 768

AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, AMENDING THE PROVISIONS OF THE TOWN'S UNIFIED DEVELOPMENT CODE ADDRESSING MOBILE STORAGE UNITS. (MOBILE STORAGE UNITS)

WHEREAS, the Town Council directed Town Staff to prepare an amendment to the Town's Unified Development Code to allow Mobile Storage Units in Commercial areas; and

WHEREAS, in accordance with such direction, Town Staff prepared a draft amendment that would allow the use of Mobile Storage Units in Commercial areas subject to restrictions; and

WHEREAS, on July 13, 2008, the Planning and Zoning Commission held a Public Hearing on the draft amendment, commented thereon, and following such Public Hearing recommended approval; and

WHEREAS, on August 6, 2009, The Payson Town Council conducted a public hearing on the proposed amendment; and

WHEREAS, an amendment to Section 15-02-003(A) of Chapter 154 (The Unified Development Code) of the Code of the Town of Payson was declared to be a public record by Resolution 2501; and

WHEREAS, it is the desire of the Mayor and Common Council to amend the Code of the Town of Payson by amending Section 15-02-003(A) by reference pursuant to A.R.S. § 9-802,

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

Section 1. That the amendment to Section 15-02-003(A) (adding subsection (9), Mobile Storage Units, Railroad Cars, Tractor Trailer Units, and Shipping Containers) of Chapter 154 (the Unified Development Code) of the Code of the Town of Payson set forth in Resolution 2501 was heretofore declared to be a public record by such Resolution, and that the amendment to Section 15-02-003(A) is hereby referred to and adopted by this reference as though all the provisions thereof were set forth in full in this Ordinance Number 768.

Section 2. That at least three copies of the amendment to Section 15-02-003(A) of Chapter 154, as adopted by this Ordinance Number 768 shall be filed in the Office of the Clerk of the Town of Payson and the same shall be maintained and kept available for public use and inspection.

Section 3. That Section 15-02-003(A)(1)(e) of Chapter 154 (the Unified Development Code) of the Code of the Town of Payson, is hereby deleted.

Section 4. That the following definition is hereby added to Section 15-11-002 (Definitions) of Chapter 154 (the Unified Development Code) of the Code of the Town of Payson:

MOBILE STORAGE UNIT - A 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.

Section 5. All ordinances and parts of ordinances in conflict with the provisions of this Ordinance Number 768 are hereby repealed to the extent of such conflict.

Section 6. If any section, subsection, sentence, clause, phrase or portion of this Ordinance Number 768 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 Number 768. The Mayor and Common Council of the Town of Payson declares that it would have adopted this Ordinance Number 768 and each section, subsection, sentence, clause, phrase or portion thereof despite the fact that any one or more sections, subsections, sentences, clauses, phrases or portions would be declared invalid or unconstitutional.

PASSED AND ADOPTED BY THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON this ____ day of _____, 2009, by the following vote:

AYES _____ NOES _____ ABSTENTIONS _____ ABSENT _____

Kenny J. Evans, Mayor

ATTEST:

APPROVED AS TO FORM:

Silvia Smith, Town Clerk

Samuel I. Streichman, Town Attorney

SUMMARY OF AGENDA ITEM

DATE: August 6, 2009

TO: Mayor and Council

FROM: Ray Erlandsen
Acting Community Development Director

SUBJECT: Unified Development Code Amendment, Section 15-02-003
General Development Standards and Zoning Provisions
Mobile Storage Units P-357-09

Ordinance 768; Resolution 2501

PURPOSE:

In February 2009 Payson Town Council directed staff to research, prepare and submit to the Planning & Zoning Commission for review and recommendation to the Council amendments to the Unified Development Code that would allow portable storage containers in commercial zoning districts.

SUMMARY:

Based upon research of provisions in place in other communities we have prepared amendments to Section 15-02-003 to allow mobile storage units. Mobile storage units are less desirable than traditional storage building construction that can be made to be architecturally compatible with other structures on a site and are similar in size, construction material and placement location to commercial trash dumpsters. Therefore, the new provisions created to allow mobile storage units provide guidelines for placement of the units and require the units be screened from public view. A permit must be obtained from the Community Development Department prior to a mobile storage unit being placed on a site. Fees for the permit would need to be added to the Town fee schedule if the provisions are adopted by the Council as presented.

The Planning & Zoning Commission held a public hearing on July 13, 2009, and recommended approval to the Town Council on a 6-0 vote.

AUG 06 2009 G.5

P-357-09 UDC Amendment – Portable Storage Containers

P & Z Commission Motion

July 13, 2009

Joel Mona moved, seconded by Lori Meyers, to recommend to the Town Council approval of P-357-09, an amendment to the Unified Development Code, Section 15-02-003, General Development Standards and Zoning Provisions to allow mobile storage units as prepared by staff and including additional suggestions.

Motion carried 6-0.

Additional Suggestions:

Council Exhibit A to Resolution 2501 varies slightly in numbering and layout from the draft copy submitted to the Planning and Zoning Commission as the suggestions made by the Commission at that meeting have been added. The suggestions included, 1) mobile storage units may not be used for animal habitation, 2) code language should expressly prohibit the units in residential zoning districts, except during moving/relocation process or construction/demolition, and 3) restrictions should be placed on the maximum duration for which a unit may be kept on a property.



MEMO

TO: Planning and Zoning Commission

FROM: Sheila DeSchaaf, Planner II

DATE: July 13, 2009

SUBJECT: **Unified Development Code Amendment, Section 15-02-003
General Development Standards and Zoning Provisions
Mobile Storage Units**

P-357-09

Background

In February 2009 Payson Town Council directed staff to research, prepare and submit to the Planning & Zoning Commission for review and recommendation to the Council amendments to the Unified Development Code that would allow portable storage containers in commercial zoning districts.

Analysis

Based upon research of provisions in place in other communities we have prepared amendments to Section 15-02-003 to allow mobile storage units. Mobile storage units are less desirable than traditional storage building construction that can be made to be architecturally compatible with other structures on a site and are similar in size, construction material and placement location to commercial trash dumpsters. Therefore, the new provisions created to allow mobile storage units provide guidelines for placement of the units and require the units be screened from public view. A permit must be obtained from the Community Development Department prior to a mobile storage unit being placed on a site. Fees for the permit would need to be added to the Town fee schedule if the provisions are adopted by the Council as presented.

Motion

If the Commission agrees with the listed revisions, a possible motion could be:

“I move the Planning and Zoning Commission recommend to the Town Council approval of P-357-09, an amendment to the Unified Development Code, Section 15-02-003, General Development Standards and Zoning Provisions to allow mobile storage units as prepared by staff.”

15-02-003 General Development Standards and Zoning Provisions

The following shall apply to all zoning districts, unless otherwise specifically stated in this Code:

A. General Development Standards

1. **Structures and Uses** - All structures shall be used only for purposes compatible with the district in which they are located, and shall meet the following requirements:
 - a. The authorization of a particular class of structure or use in a designated district as specified in this Code is prohibited in all other districts unless specifically allowed in that district. A use that is not permitted in that district shall not be considered as an accessory use in that district. The determination of whether or not a use is specifically designated shall be determined by the Zoning Administrator.
 - b. Buildings shall not exceed 35 feet in height above grade except as provided for below:
 - (1) Buildings in C1, C2, C3 and PAD zoning districts may be up to 45 feet above grade so long as the building has no more than 3 stories and has no more than a height of 35 feet of habitable or occupiable space.
 - (2) Buildings in R2, R3, M-1 and M-2 zoning districts, including those having a PAD overlay, may be up to 45 feet above grade so long as the building has no more than 3 stories and has no more than a height of 35 feet of habitable or occupiable space with a conditional use permit. *111
 - c. No building or structure shall be erected or added to, so as to encroach upon or reduce any open space, yard/setback, lot area, or parking area specified for that district, unless otherwise herein; and the yard and open space located on one lot shall not be used to meet yard or open space requirements for a structure on any other lot.
 - d. Any building regulated by the current Building Code may be removed from a property only when a demolition permit has been obtained from the Building Official.
 - e. ***Railroad cars, tractor trailer units, shipping containers or any other mobile storage units shall not be used as a primary or accessory structure in any zoning district except as provided for in this section under Mobile Storage Units.***
 - i. ***Railroad cars, tractor trailer units, or mobile storage units may be used as accessory structures within Industrial Districts, in accordance with section 15-02-006, Industrial Districts and section 15-03-002, Landscaping, Screening and Buffering.***
 - ii. ***This section shall not preclude the use of mobile storage units in any district wherein a valid building permit exists for demolition or construction.***
2. **Lots** - All lots shall conform to the following, unless otherwise specified in this Code:
 - a. **Frontage** - Front lot lines shall meet minimum width standards specified by the zoning district in which the lot is located. Every lot shall have frontage on a dedicated and improved street, unless the lot is part of a district which permits private streets.
 - b. **Combined lots** - Where two or more lots are used as a building site with structure(s) that cross lot lines, the entire area shall be considered as one lot and shall be recorded with a new legal description that establishes the combined lots as one lot.
 - c. **Property Monumentation** - The Building Official may require any individual, firm or corporation applying for a building permit to improve a lot, to place monumentation to

standards for the lot, when these structures are combined in terms of area with other structures on the lot.

- c. Accessory structures exceeding 200 square feet in size shall require a building permit.
- d. Authorization of a particular class of structure or use in a designated district specified in this Code is prohibited in all other districts unless specifically allowed in that district. A use that is not permitted in that district shall not be considered as an accessory use in that district. The determination of whether or not a use is authorized shall be made by the Zoning Administrator, with rights of appeal to the Board of Adjustments.

7. Mobile Storage Units

The use of no more than two mobile storage units may be allowed on private property within Commercial Zoning Districts and that have commercial uses established provided a permit has been obtained for each unit. The Zoning Administrator or designee shall issue a permit once it is determined that the mobile storage units meet the following criteria: (This section does not apply to the use of mobile storage structures designed for human occupancy which are regulated under other provisions of this Code and/or Arizona law.)

- a. ***Normal setbacks for the zoning district shall apply.***
 - b. ***The mobile storage unit shall not exceed a size of 500 square feet per unit, nor a maximum dimension of 8 feet in height, 8 feet in width, and 16 feet in length and shall comply with the provisions of UDC § 15-02-014 Part IV Subsection A.6.***
 - c. ***Mobile storage units shall not be located in designated landscape areas, or required open space. Mobile storage units shall not be placed within minimum required parking spaces, within 15 feet of any building or adjoining property line or within the area of a front or street side yard in accordance with all applicable zoning, building and fire safety ordinances and regulations.***
 - d. ***No mobile storage unit may be used to store toxic or hazardous materials as determined by the Town Fire Marshal or Building Official. With reasonable notice, inspection of any mobile storage unit by public safety officials shall be allowed to ensure compliance with this provision.***
 - e. ***Mobile storage units shall be screened from view from any adjacent public way or residential use.***
 - f. ***Permits shall be issued for a period not to exceed 12 months and shall be renewed annually if the mobile storage unit has not been removed. The provisions of this section shall not apply to and no permit is required for loading or unloading of mobile storage structures on sites so long as said activity does not exceed a 48 hour period of time.***
8. **Drainage Improvements** - Improvements to, or other uses of property shall not interfere with or obstruct the established drainage pattern over the lot from or to adjacent lots, and any modification of drainage on the lot, such as paving, piping or channelization shall not increase the runoff in such a manner as to cause flooding or flood related damage to adjacent lots or public facilities. Before any grading or excavation is undertaken by any owner/lessee upon any lot, the plan for such grading or excavation shall be consistent with the natural terrain of the site and shall be approved by the Public Works Department.
9. **Street Design Standards** - All streets designed for use in the Town of Payson shall meet the street design standards specified in Section 15-07-002.C., unless otherwise specified in this Code.

**TOWN OF PAYSON
PLANNING AND ZONING COMMISSION OR
BOARD OF ADJUSTMENTS APPLICATION**

The undersigned Applicant(s) hereby applies for:

- | | |
|--|--|
| <input type="checkbox"/> Abandonment Request | <input type="checkbox"/> General Plan or Land Use Plan Amendment |
| <input type="checkbox"/> Administrative Appeal | <input type="checkbox"/> Minor Land Division |
| <input checked="" type="checkbox"/> Code Amendment | <input type="checkbox"/> P & Z Commission Appeals |
| <input type="checkbox"/> Conditional Use Permit | <input type="checkbox"/> Preliminary Subdivision Plat |
| <input type="checkbox"/> Development Master Plan | <input type="checkbox"/> Temporary Use Permit |
| <input type="checkbox"/> Devel. Agreement, PAD & SPD | <input type="checkbox"/> Variance |
| <input type="checkbox"/> Final Subdivision Plat | <input type="checkbox"/> Zone Change |

May, 2007

Project Address: TOWN of Payson - Commercial Tax Parcel Number: N/A
 Subdivision: N/A DISTRICTS Lot Number: N/A
 Name of Applicant(s): TOWN of Payson Phone #: 928-474-5242
 Mailing Address: 303 N. BEECHER HWY Town: PAYSON St: AZ Zip: 85541
 Name of Property Owner(s): N/A
 Mailing Address: N/A Town: _____ St: _____ Zip: _____
 Contact Person: KAY ERLANDSEN Phone #: 928-474-5242 Fax #: 928-472-7490
 Payson Business License # N/A Sales Tax # N/A

Detailed Description of Request:
AMENDMENT TO UNIFIED DEVELOPMENT CODE (UDC) ALLOWING
PORTABLE STORAGE CONTAINERS INCLUDING THOSE USES FOR RECYCLING
MATERIALS, IN COMMERCIAL ZONING DISTRICTS.

(Note: Additional Description area can be included in an attachment)

Certification: I hereby certify that the data submitted on or with this application is true and correct, that I am the Owner of the property at this address, or that for the purpose of obtaining this approval I am an authorized agent in his behalf.

KAY ERLANDSEN
 Print Name

[Signature]
 Signature

6-15-09
 Date

STAFF USE ONLY - PERTINENT DATA			
APPLICATION	DATE	INITIALS	APPLICATION FEE:
DATE FILED	6-15-09	[Signature]	TOWN INITIATED
COMPLETED APPLICATION	7-7-09	[Signature]	
NEWSPAPER PUBLICATION	6-26-09	[Signature]	
300' NOTIFICATION MAILOUT	N/A		
POSTING DATE	6-22-09	[Signature]	CHECK NUMBER: _____ DATE: _____

RECOMMENDATION	DECISIONS
By: _____ Date: _____	By: _____ Date: _____

**RESOLUTION NO. 2501 IS
PROVIDED FOR INFORMATION
ONLY
AT THE 8/6/09 COUNCIL MEETING.**

**RESOLUTION NO. 2501 WILL
BE AGENDIZED AS AN ACTION ITEM
AT THE 8/23/09 COUNCIL MEETING.**

RESOLUTION NO. 2501

A RESOLUTION OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, ADDING A PROVISION ADDRESSING MOBILE STORAGE UNITS TO THE TOWN'S UNIFIED DEVELOPMENT CODE, 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 of the Town of Payson; and

WHEREAS, the Code of the Town of Payson was adopted as a public record by Ordinance Number 588 of the Town of Payson; and

WHEREAS, it is the intention of the Town of Payson to add Section 15-02-003(A)(9) (addressing Mobile Storage Units) to the Town's Unified Development Code; and

WHEREAS, such amendment 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) is hereby amended by adding subsection (9): Mobile Storage Units, Railroad Cars, Tractor Trailer Units, and Shipping Containers, which is declared to be a public record, and as amended shall read as set forth in Exhibit A attached hereto.

Section 2. If any section, subsection, sentence, clause, phrase or portion of Resolution Number 2501 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 Resolution Number 2501. The Town Council of Payson declares that it would have adopted Resolution Number 2501 and each section, subsection, sentence, clause, phrase, or portion thereof, irrespective of the fact that any one (1) or more sections, subsections, sentences, clauses, phrases, or portions may be declared invalid or unconstitutional.

PASSED AND ADOPTED BY THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON this ____ day of _____, 2009, by the following vote:

AYES _____ NOES _____ ABSTENTIONS _____ ABSENT _____

Kenny J. Evans, Mayor

ATTEST:

APPROVED AS TO FORM:

Silvia Smith, Town Clerk

Samuel I. Streichman, Town Attorney

Exhibit A
to
Resolution 2501

9. Mobile Storage Units, Railroad Cars, Tractor Trailer Units, and Shipping Containers

- a. Industrial Districts - Mobile Storage Units, railroad cars, tractor trailer units, and shipping containers may be used as accessory structures within Industrial Districts.
- b. Commercial Uses -
 - (1) Mobile Storage Units are permitted in Commercial Districts utilized for commercial purposes and other properties legally utilized for commercial uses subject to the following provisions:
 - i. No more than two Mobile Storage Units per parcel may be utilized;
 - ii. Each Mobile Storage Unit shall not exceed eight feet in height, eight feet in width, and sixteen feet in length;
 - iii. Mobile Storage Units shall not be placed (1) within fifteen feet of any building or adjoining property line, (2) within a front or street side yard, or (3) within required landscape areas, open space, or parking areas;
 - iv. Mobile Storage Units shall be screened from view of any adjacent public way or residential use; such screening shall be subject to all applicable Design Review requirements;
 - v. No animals or toxic/hazardous materials (as determined by the Fire Marshall and/or the Building Official) may be stored in a Mobile Storage Unit;
 - (2) Prior to the placement of a Mobile Storage Unit, a permit shall be obtained from the Community Development Department. Such permit shall be issued for a period not to exceed twelve months and may be renewed annually for up to two additional one year terms if requested by the applicant.
- c. Residential Uses - Mobile Storage Units may not be used as accessory structures within Residential Districts or properties being utilized for residential purposes.
- d. 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.