ORDINANCE NO. 822

AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, AMENDING SECTIONS 15-02-004(C)(3), 15-04-002(E), 15-14-006(E)(2), 15-14-007(E), AND 15-11 OF CHAPTER 154 (THE UNIFIED DEVELOPMENT CODE) OF THE CODE OF THE TOWN OF PAYSON, RELATING TO THE PARKING OF LARGE COMMERCIAL VEHICLES IN RESIDENTIAL AREAS.

WHEREAS, the Town's Unified Development Code currently prohibits the parking of commercial vehicles that exceed one-ton capacity on residential property; and

WHEREAS, the Town desires to remove this outright prohibition on parking of commercial vehicles that exceed one-ton capacity on residential property and allow such parking if (1) the vehicle is parked in a building; or (2) outdoor parking if the owner has obtained a conditional use permit ("the Proposed Changes"); and

WHEREAS, on February 13, 2012 and March 19, 2012, the Planning and Zoning Commission held public hearings on the Proposed Changes; and

WHEREAS, on April 19, 2011, the Town Council held a public hearing on the Proposed Changes; and

WHEREAS, it is the desire of the Mayor and Common Council to amend the Code of the Town of Payson by amending Sections 15-02-004(C)(3), 15-04-002(E), 15-14-006(E)(2), 15-14-007(E), and 15-11 to amend the regulations governing the parking of large commercial vehicles on residential property,

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

Section 1. That Section 15-02-004(C)(3) of Chapter 154 of the Code of the Town of Payson ("the UDC") is hereby amended and shall read as follows:

3. Commercial Vehicles larger than Light Duty Trucks.

a. Commercial Vehicles larger than Light Duty Trucks may be parked, stored or maintained in an enclosed structure. Such structure must be authorized by this Code and permitted under the Town's applicable building code.

b. Pursuant to a Conditional Use Permit, Commercial Vehicles larger than Light Duty Trucks may be parked, stored or maintained outside a structure in a residential district.

c. Except as provided in subsections a and b above, the parking, storage, or maintenance of Commercial Vehicles larger than a Light Duty Truck in any residential district, except for service or repair visits, is prohibited.

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FIRST READING AND PUBLIC HEARING

SECOND READING AND PUBLIC HEARING

Section 2. That Section 15-04-002(E) of the UDC is hereby amended and shall read as follows:

E. Reserved.

Section 3. That Section 15-14-006(E)(2)(b) of the UDC is hereby amended shall read as follows:

b. Commercial Vehicles larger than Light Duty Trucks are subject to the provisions of 15-02-004(C).

Section 4. That Section 15-14-007(E)(2)(b) of the UDC is hereby amended shall read as follows:

b. Commercial Vehicles larger than Light Duty Trucks are subject to the provisions of 15-02-004(C).

Section 5. That the following definitions are hereby added to Section 15-11 (Definitions) of the UDC:

COMMERCIAL VEHICLE	A vehicle registered to or used in the operation of a business, home occupation, non-profit entity, or other similar entity or enterprise.
LIGHT DUTY TRUCK	A truck, van, bus, box truck, or similar vehicle having a GVWR no greater than 13,500 lbs; and a payload capacity no greater than 7500 lbs. These vehicles are traditionally called 'one ton' or less vehicles.

Section 6. If any section, subsection, or portion of this Ordinance is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this Ordinance. The Mayor and Common Council of the Town of Payson declares that it would have adopted this Ordinance and each section, subsection, or portion thereof despite the fact that any one or more sections, subsections, 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 _____, 2012, by the following vote:

AYES _____ NOES _____ ABSTENTIONS _____ ABSENT _____

Kenny J. Evans, Mayor

ATTEST:

APPROVED AS TO FORM:

Silvia Smith, Town Clerk

Timothy M. Wright, Town Attorney