

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,'

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.
- 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.

PASSED AND ADOPTED BY THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON this ____ day of _____, 2013, 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

**RESOLUTION NO. 2707 IS
PROVIDED FOR INFORMATION
ONLY AT THE APRIL 4, 2013
COUNCIL MEETING.**

**RESOLUTION NO. 2707 WILL
BE AGENDIZED AS AN ACTION ITEM
WHEN ORDINANCE 830 IS
SCHEDULED FOR SECOND
READING.**

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 ____ day of _____, 2013, 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

Current language of 15-02-003(A)(9), to be stricken

~~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.~~

Amended language of 15-02-003(A)(9), to be adopted

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 may be white or off-white or may be painted to match the building exterior or complement the surroundings. Units may not display markings, 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. Such permit shall be issued for a period not to exceed twelve months.
 - (5) To utilize Mobile Storage Unit(s) for a period exceeding 12 months, a waiver may be requested with the Planning and Zoning Division. In considering an application for a waiver the Zoning Administrator or designee shall review the application based on the following standards of review;
 - (a) Access and Traffic; pedestrian, bicycle and vehicular circulation
 - (b) Screening, Buffering and Landscaping provisions
 - (c) Design Review guidelines
 - (d) Impact on public utilities
 - (e) Impact on adjoining properties
 - (f) Impact on the native vegetation and ecological character of the site
 - (g) Any other factors necessary to assure that the proposed use is compatible and not detrimental to the surrounding land uses.

EXHIBIT A TO RESOLUTION 2707

- (6) The Zoning Administrator, or designee, may disapprove or approve with conditions an application for a waiver of the 12 month maximum use requirement. The conditions may include, but are not limited to:
 - (a) Limitations on size and location/placement or number of Mobile Storage Units
 - (b) Requirements for additional landscaping, screening or buffering
 - (c) Duration of the waiver
 - (d) Mitigation of any adverse impacts
- 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 may be white or off-white or may be painted to match the building exterior 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