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 _____ day of _____, 2013, by the following vote:

AYES _____ NOES _____ ABSTENTIONS _____ ABSENT _____

_____
Kenny J. Evans, Mayor

ATTEST:

_____
Silvia Smith, Town Clerk

APPROVED AS TO FORM:

_____
Timothy M. Wright, Town Attorney