

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.

///

///

///

APR 18 2013 G. L. A.

Second Reading MAY 02 2013 G. L. B

**PASSED AND ADOPTED BY THE MAYOR AND COMMON COUNCIL OF
THE TOWN OF PAYSON** this ____ day of _____, 2013, by the following vote:

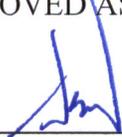
AYES _____ NOES _____ ABSTENTIONS _____ ABSENT _____

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 shall be painted to match the primary structure's exterior and/or complement the surroundings. Mobile Storage Units may not display markings or 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.
 - (5) Mobile Storage Unit Such permits shall be issued for a period not to exceed twelve months.¹
 - ~~(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~~

¹ The changes made pursuant to Council direction at the first reading have been incorporated into the draft. Changes made pursuant to comments by multiple Council Members at the second reading (re allowing a waiver of the size limitations) are noted in ~~Strikeout~~/Underline. Subsection (d) has been added to address 'waivers' of the 12 month limit and the size limitations. The Zoning Administrator is still permitted to grant a waiver of the 12 month limit. A provision has been added to allow the Planning and Zoning Commission to grant a waiver of the size limitations.

- ~~(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.~~
- ~~(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 shall be painted to match the residence’s exterior and/or complement the surroundings. Units may not display markings or advertisements and shall be maintained free of rust, graffiti, and other visual nuisances.

d. Waivers

- i. A request for a waiver seeking relief from the provisions of subsection (c)(ii)(1) (square footage limitations) may be filed with Community Development Department. Such request shall be processed in the same manner as a request for a Conditional Use Permit except that (1) a citizens participation plan and report is not required; and (2) the decision of the Planning and Zoning Commission shall be final and not subject to appeal.
- ii. A request for a waiver seeking relief from the provisions of subsection (c)(ii)(5) (twelve month time limit) may be filed with the Zoning Administrator. The Zoning Administrator shall disapprove or approve with conditions such requests. In considering a request for such waiver the Zoning Administrator shall review the application based on the Standards of Review utilized for the evaluation of Conditional Use Permits.
- iii. If a request for relief from both subsections (c)(ii)(1) and (c)(ii)(5) is filed, such request shall be processed in accordance with subsection (i) above.

EXHIBIT A TO RESOLUTION 2707