

RESOLUTION NO. 2878

A RESOLUTION OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF PAYSON, ARIZONA, EXTENDING THE PROVISIONS OF ORDINANCE NO. 830 AND RESOLUTION NO. 2707 RELATING TO MOBILE STORAGE UNITS, RAILROAD CARS, TRACTOR TRAILER UNITS, AND SHIPPING CONTAINERS FOR SIXTY-SIX MONTHS, 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, on May 2, 2013, the Town of Payson adopted Ordinance 830 and Resolution 2707 relating to mobile storage units, railroad cars, tractor trailer units, and shipping containers; and

WHEREAS, because of concerns with Proposition 207 (The Private Property Rights Act), the provisions enacted by Ordinance 830 and Resolution 2707 are scheduled to sunset thirty-six months from the effective date of the Ordinance; and

WHEREAS, on September 21, 2015, the Town of Payson Planning and Zoning Commission held a public hearing concerning extending the provisions of Ordinance 830 and Resolution 2707 for sixty-six months beyond the current sunset date with a review within six months prior to the new sunset date, and recommended to the Town Council approval of such extension; and

WHEREAS, it is the intention of the Town of Payson to extend the provisions of Ordinance 830 and Resolution 2707 for sixty-six months with a review within six months prior to the new sunset date; and

WHEREAS, such amendments may be enacted by reference, pursuant to A.R.S. § 9-802,

NOW, THEREFORE, THE MAYOR AND TOWN 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, adopted on May 2, 2013 by Ordinance 830 and Resolution 2707, is hereby amended to extend the sunset date to sixty-six months after the current sunset date of June 1, 2016 with a review within six months prior to the new sunset date of December 1, 2021.

Prepared by Town of Payson Legal Department

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Section 2. If any portion of this Resolution is held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this Resolution.

Section 3. This Resolution is hereby declared to be a public record.

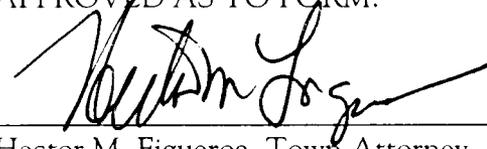
PASSED AND ADOPTED BY THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON this ____ day of November, 2015, by the following vote:

AYES ____ NOES ____ ABSTENTIONS ____ ABSENT ____

Kenny J. Evans, Mayor

ATTEST:

APPROVED AS TO FORM:



Silvia Smith, Town Clerk

Hector M. Figueroa, Town Attorney

**UDC SECTION 15-02-003(A)(9)
WAS ADOPTED ON MAY 2, 2013 BY
PASSAGE OF ORDINANCE NO. 830
AND RESOLUTION NO. 2707,
AND IS PROVIDED FOR
REFERENCE PURPOSES ONLY**

2. No accessory structure shall exceed a height of 15 feet, unless otherwise provided by this Code.

3. Three accessory structures shall be permitted if they comply with the density 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 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) *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.

(8) *Street design standards.* All streets designed for use in the Town of Payson shall meet the street design standards specified in § 154-07-002(C), unless otherwise specified in this Code.

15-02-003 (A)

(9) *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.*

1. Industrial districts. Mobile storage units, railroad cars, tractor trailer units, and shipping containers may be used as accessory structures within industrial districts.

2. Commercial districts, multi-family 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 multi-family uses established subject to the following:

Payson - Land Usage

- a. 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.
- b. Mobile storage units shall not be stacked nor placed:
 - i. Within three feet of any adjoining property line;
 - ii. Within a front or street side yard; nor
 - iii. Within required landscape areas, open space, or parking areas;
- c. 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.
- d. Prior to the placement of a mobile storage unit, a permit shall be obtained from the Community Development Department.
- e. Mobile storage unit permit shall be issued for a period not to exceed 12 months.

3. Single Family Residential Districts and single family uses within all districts. Mobile storage units are an allowed accessory use subject to the following:

- a. 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.
- b. Mobile storage units shall not be stacked nor placed:
 - i. Within three feet of any adjoining property line;
 - ii. Within a front or street side yard; nor
 - iii. Within required landscape areas, open space, or parking areas;
- c. 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.

1. A request for a waiver seeking relief from the provisions of division (c)2.a. above (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.

2. A request for a waiver seeking relief from the provisions of division (c)2.e. above (12 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.

3. If a request for relief from both divisions (c)2.a. and (c)2.e. above is filed, such request shall be processed in accordance with division (d)1. above.

(B) *General zoning provisions.*

(1) *Nonconforming uses.* Legally existing nonconforming uses, structures, buildings and other improvements existing upon the real property subject to a nonconforming use may continue as provided below, unless the use creates a nuisance or otherwise violates any other law, rule or regulation.

(a) *Continuing existing uses.* Any use of land, building, structure, or improvement lawfully existing at the time this Code, or subsequent amendments, may be continued, even though such use does not conform to the provisions of this Code.

(b) *Discontinuance or abandonment of nonconforming uses.*

1. If a nonconforming use of land or structure is discontinued or abandoned for 12 consecutive months, any and all future uses shall conform to this Code. Intention to abandon a use may be evidenced by a change in that use, removal of equipment, materials, improvements, structures, or other indications that the use is no longer intended to continue on that property. Discontinuance of a nonconforming use may be evidenced by removal of equipment, materials, improvements or other indications that such nonconforming use is no longer being made of that property, and/or by a lack of use of the nonconforming use of the subject property for the 12 month period, whether or not any intention to abandon such use is present.

2. If a nonconforming use or structure is destroyed by fire, earthquake, flood, explosion, natural disaster, or act of public enemy, the nonconformance may be reconstructed and used as before if done within 12 months of the event date.

3. The Council may acquire, by purchase or condemnation, any nonconforming lot, structures, or signs, provided, the amount paid does not exceed the amount to which the owner would otherwise be entitled in a condemnation proceeding.