

Town of Huachuca City

The Sunset City

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ORDINANCE NO. 2022-10

AN ORDINANCE OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF HUACHUCA CITY, COCHISE COUNTY, ARIZONA, AMENDING THE TOWN CODE TITLE 18 “ZONING,” CHAPTER 18.20 “CONDITIONAL USES”, CHAPTER 18.35 “R-1 RESIDENTIAL DISTRICTS,” SECTION 18.35.030 “PERMITTED CONDITIONAL USES”, CHAPTER 18.40 “R-2 RESIDENTIAL DISTRICTS”, SECTION 18.40.010 “USES AND STRUCTURES”, CHAPTER 18.45 “R-3 RESIDENTIAL DISTRICTS”, SECTION 18.45.010 “USES PERMITTED”, CHAPTER 18.50 “R-4 RESIDENTIAL DISTRICTS”, SECTION 18.50.010 “USES PERMITTED”, CHAPTER 18.75 “B/C - GENERAL BUSINESS/COMMERCIAL DISTRICT” TO MAKE CHANGES CONCERNING CONDITIONAL AND PERMITTED USES.

WHEREAS, the Town Council of the Town of Huachuca City has adopted by Resolution No. 84-002 a code known as the Town Code of the Town of Huachuca City, Arizona [the “Code”], and has amended and republished the Code from time to time, as authorized by A.R.S. 9-240 (B) (28) and Town Ordinance No. 15-02; and

WHEREAS, pursuant to A.R.S. 9-462.01 (A) and (C), the Town is empowered to adopt and amend zoning regulations and conditional property uses; and

WHEREAS, the Town Council has determined that it would be in the best interest of the health, safety and welfare of the Town’s residents to revise the Town’s zoning regulations pertaining to conditional and permitted uses; and

WHEREAS, a public hearing was held on October 20, 2022, to receive public comment, pro and con, for adopting the following Code amendment; and

WHEREAS, pursuant to A.R.S. 9-462.01 (I) and (J), the Town Council has considered the individual property rights and personal liberties of the residents of the Town, as well as the probable impact of the proposed Code amendments on the cost to construct housing for sale or rent; and

WHEREAS, as required by the Code, section 2.25.040, this Ordinance was first read at a public meeting of the Town Council on November 3, 2022, and at a subsequent meeting on November 10, 2022.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the Town of Huachuca City, as follows:

SECTION 1. The Code, Title 18 “ZONING,” Chapter 18.20 “CONDITIONAL USES,” section 18.20.030 “Authority and approval”, is renamed and amended as follows with deletions in ~~strikeout text~~ and additions in underlined text:

18.20.030 Authority and approval Review considerations.

The planning and zoning commission (or the hearing officer, in the absence of an active planning and zoning commission) may approve, approve with conditions, or deny the application for a conditional use permit. In permitting a new conditional use or the alteration of an existing conditional use, the planning and zoning commission or hearing officer may impose, in addition to those standards and requirements specified by the zoning regulations, additional conditions which it finds necessary to avoid detrimental impacts and to otherwise protect the best interests of the surrounding area or the community as a whole. These conditions may include, but are not limited to, the following:

- A. *[no changes]*
- B. *[no changes]*
- C. *[no changes]*
- D. Designating the size, number, ~~and~~ location and nature of vehicle access points.
- E. *[no changes]*
- F. Limiting or otherwise designating the number, size, location, and height, and lighting of signs.
- G. *[no changes]*
- H. *[no changes]*
- I. *[no changes]*
- J. *[no changes]*

SECTION 2. The Code, Title 18 “ZONING,” Chapter 18.20 “CONDITIONAL USES,” section 18.20.040 “Location criteria”, subsection (B)(3) is amended as follows with deletions in ~~strikeout text~~ and additions in underlined text:

B. Conditional uses shall be located subject to the following specific standards:

- 3. Solid waste landfills, transfer stations, natural gas storage, sewage treatment plants and electrical generating facilities ~~will~~ shall not be provided access from residential

streets. Recycling centers, water reservoirs, telephone communication and switching facilities shall not provide access from residential streets.

SECTION 3. The Code, Title 18 “ZONING,” Chapter 18.20 “CONDITIONAL USES,” section 18.20.050 “Application for conditional use”, is amended as follows with deletions in ~~strikeout text~~ and additions in underlined text:

A. A request for a conditional use, modification of an existing conditional use permit, or a review of an existing conditional use permit shall be initiated by the property owner or his authorized agent by filing an application with the ~~building official~~ zoning administrator which application shall include:

1. ~~Full~~ Complete information regarding the proposed locations, area, height, bulk and placement of such use, and shall be accompanied by a site plan prepared in accordance with the provisions outlined in Title 15.

2. A vicinity ownership map drawn to scale showing all parcels in the vicinity adjacent to and surrounding the property proposed for conditional use within 300 feet of the exterior boundaries of the ~~property~~ land subject to the application.

3. *[no change]*

4. All conditional uses are subject to the citizen review process as outlined in 18.135.035. Required information shall be included on the application.

B. *[no change]*

C. The building official shall review each application for technical compliance with established application requirements. ~~The application shall be formally accepted for approval processing or rejected within five working days~~ and shall formally accept or reject the application within five working days.

SECTION 4. The Code, Title 18 “ZONING,” Chapter 18.20 “CONDITIONAL USES,” section 18.20.060 “Review procedures”, is replaced in its entirety with the following:

All applications for conditional use permits shall be considered by the planning and zoning commission (or hearing officer) and Council in accordance with this Chapter.

A. Prior to the public hearing, a citizen review process is required as outlined in 18.135.035.

B. Consideration by the planning and zoning Commission or Hearing Officer at a public hearing.

1. Public Notice. Notice of the time, date and place of the public hearing, including a general explanation of the conditional use permit, shall be given at least 15 days before the hearing in the manner outlined in 18.135.040.

2. The planning and zoning commission or hearing officer shall recommend approval, approval with conditions, or denial of the request based on compliance with the following findings:

a. The characteristics of the site are suitable for the proposed use, considering size, shape, location, topography, existence of improvements, and natural features.

b. Noise levels and lights from the facility do not interfere with adjacent land uses.

c. The proposed use will not alter the character of the surrounding area in any manner that substantially limits, impairs, or precludes the use of surrounding properties for the primary uses listed in the zoning district.

d. The proposed use satisfies those goals, objectives, and policies of the General Plan that are applicable to the proposed use specifically with regard to providing benefit to the general welfare of the public, and filling a probable need of the public which can best be met by a conditional use.

e. Be consistent with the intent and purpose of the zoning district in which the use is proposed to locate such use.

3. After the hearing, the planning and zoning commission or hearing officer shall render a decision in the form of a written recommendation to the Council and to the applicant. The recommendation shall include the reasons for the recommendation.

C. Council Action

1. The Council may adopt the recommendations of the planning and zoning commission (or hearing officer) without holding a second public hearing if there is no objection, request for public hearing, or other protest.

2. If an objection, request for public hearing, or other protest is formally submitted, a public hearing shall be required before the Council. Requests for a public hearing, objections, or protests, shall be submitted no more than seven days after the planning and zoning commission or hearing officer has rendered their decision.

3. The Council shall act to approve, approve with conditions, or deny the request. Any decisions must include a determination on whether the request is compliant with

findings in 18.20.060B(2). The zoning administrator shall notify the applicant of the Council action.

4. Written notice of the Council's decision shall be forwarded to the applicant.

SECTION 5. The Code, Title 18 "ZONING," Chapter 18.20 "CONDITIONAL USES," section 18.20.080 "Automatic termination of a conditional use", is replaced in its entirety with the following:

Unless otherwise approved, a conditional use permit shall automatically become null and void one year after the effective date upon which it was granted unless one of the following events occurs:

A. The applicant or his successor in interest has secured a building permit within said one-year period, if a building permit is required, and has actually commenced construction of the building or structure authorized by the permit within said one-year period.

B. The applicant or his successor in interest has commenced the activity or installation of the building or structure authorized by the permit within said one-year period.

C. The applicant submits a request to the zoning administrator for an extension of time on the conditional use permit to avoid the permit becoming null and void.

SECTION 6. The Code, Title 18 "ZONING," Chapter 18.35 "R-1 RESIDENTIAL DISTRICTS," section 18.35.030 "Permitted conditional uses", is amended as follows with deletions in ~~strikeout text~~ and additions in underlined text:

The following uses are permitted as ~~principal uses~~, subject to the approval of application for a specific use by the building official zoning administrator. Said application shall include full information regarding the proposed location, area, height, bulk and placement of such uses, and shall, at At the discretion of the building official zoning administrator, include submission of the ~~proposed site plan~~ a proposed site plan may be required:

A. *[no changes]*

B. *[no changes]*

C. *[no changes]*

D. *[no changes]*

SECTION 7. The Code, Title 18 "ZONING," Chapter 18.40 "R-2 RESIDENTIAL DISTRICTS," section 18.40.010 "Uses and structures", subsection (C) is deleted in its entirety.

SECTION 8. The Code, Title 18 “ZONING,” Chapter 18.45 “R-3 RESIDENTIAL DISTRICTS,” section 18.45.010 “Uses permitted”, is amended by deleting subsections (E) and (F) and amending subsection (D) as follows with deletions in ~~strikeout text~~ and additions in underlined text:

D. ~~Local alcoholism reception center.~~ Residential treatment facility and recovery homes (6 or less persons).

SECTION 9. The Code, Title 18 “ZONING,” Chapter 18.50 “R-4 RESIDENTIAL DISTRICTS,” section 18.50.010 “Uses permitted”, is amended by deleting subsection (D) and changing subsection (A) as follows with deletions in ~~strikeout text~~ and additions in underlined text:

A. Any use permitted in the R-1, R-2 and R-3 zones ~~with the exception of the use permitted in Section 18.45.010(E).~~

SECTION 10. The Code, Title 18 “ZONING,” Chapter 18.75 “B/C – GENERAL/COMMERCIAL DISTRICT,” section 18.75.020 “Permitted uses”, is amended by changing subsections (E) and (J) and adding subsections (Q) and (R) as follows with deletions in ~~strikeout text~~ and additions in underlined text:

E. Automobile service stations, and repair shops, and body and fender shops.

J. ~~Special and higher education services including university, college, junior college and professional, vocational, trade and business schools.~~ Mini warehouse facility.

Q. Contract construction services, including general building construction services.

R. Recreational vehicle and travel trailer parks.

SECTION 11. The Code, Title 18 “ZONING,” Chapter 18.75 “B/C – GENERAL/COMMERCIAL DISTRICT,” section 18.75.040 “Conditional uses permitted”, is replaced in its entirety with the following:

The following uses may be allowed by the planning and zoning commission or hearing officer in the absence of an active planning and zoning commission, as conditional uses upon application and compliance with such additional on-site or off-site specific requirements as the commission or hearing officer deems appropriate in consideration of the surrounding affected areas:

A. Warehouse or storage building as principal use (except mini-warehouse facilities).

B. Special construction trade services such as construction services and water well drilling services

C. Outdoor storage as principal use.


SECTION 11. The Code, Title 18 “ZONING,” Chapter 18.75 “B/C – GENERAL/COMMERCIAL DISTRICT,” section 18.75.080 “Use regulations”, is deleted in its entirety, and sections 18.75.090 “Requirements” and 18.75.100 “Medical marijuana dispensary” are renumbered to 18.75.080 and 18.75.090 respectively.

SECTION 12. All ordinances, parts of ordinances, resolutions, parts of resolutions, policies, and parts of policies in conflict with the provisions of this Ordinance, or any part hereof, are hereby repealed.

SECTION 13. If any section, subsection or portion of this Ordinance is for any reason held to be invalid or unenforceable by the decision of a court of competent jurisdiction, such decision shall not affect the validity or enforceability of the remaining portions hereof.

SECTION 14 The Town Clerk is hereby directed, pursuant to the Code, sections 2.25.080 and 2.25.090, to post this Ordinance in three or more public places within the Town, and to publish this Ordinance as required by A.R.S. 9-812 and 39-204 (C)(3).

PASSED AND ADOPTED BY THE MAYOR AND TOWN COUNCIL OF THE TOWN OF HUACHUCA CITY, COCHISE COUNTY, ARIZONA, THIS 10TH DAY OF NOVEMBER, 2022.


Johann Wallace, Mayor

ATTEST:


Brandy Thorpe, Town Clerk

Approved as to Form:


Thomas Benavidez, Town Attorney