



Town of Huachuca City

The Sunset City

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ORDINANCE NO. 2019-02

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 18.35 "R-1 RESIDENTIAL DISTRICTS," SECTION 18.35.040 "USE REGULATIONS;" CHAPTER 18.40 "R-2 RESIDENTIAL DISTRICTS," SECTION 18.40.020 "USE REGULATIONS;" CHAPTER 18.45 "R-3 RESIDENTIAL DISTRICTS," SECTION 18.45.010 "USES PERMITTED;" AND CHAPTER 18.50 "R-4 RESIDENTIAL DISTRICTS," SECTION 18.50.010 "USES PERMITTED," TO PROHIBIT MANUFACTURED HOMES AND MOBILE HOMES IN RESIDENTIAL DISTRICTS 1 AND 2.

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), the Town is empowered to adopt and amend zoning regulations; 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 permitted and conditional uses in the Town's Residential Districts; and

WHEREAS, a public hearing was held on November 7, 2018, to receive public comment, pro and con, for adopting the following Code amendments; 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 December 13, 2018, and at a subsequent meeting on January 10, 2019.

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 18.35 "R-1 RESIDENTIAL DISTRICTS," SECTION 18.35.040 "Use Regulations" is amended by deleting the text in its entirety and replacing it with the following text:

"Manufactured homes and mobile homes are not allowed to be installed within this zone. Any manufactured home or mobile home existing within this zone at the time

of enactment of this provision is permitted to remain, provided it is occupied as a residence and in good repair.”

SECTION 2. The Code, Title 18 “ZONING,” CHAPTER 18.40 “R-2 RESIDENTIAL DISTRICTS,” SECTION 18.40.020 “Use Regulations” is amended by deleting the text in its entirety and replacing it with the following text:

“Manufactured homes and mobile homes are not allowed to be installed within this zone. Any manufactured home or mobile home existing within this zone at the time of enactment of this provision is permitted to remain, provided it is occupied as a residence and in good repair.”

SECTION 3. The Code, Title 18 “ZONING,” CHAPTER 18.45 “R-3 RESIDENTIAL DISTRICTS,” SECTION 18.45.010 “Uses Permitted” is amended by deleting the text of current subsection (F) in its entirety and replacing it with the following text:

“F. By conditional use permit from the Planning and Zoning Commission.”

SECTION 4. The Code, Title 18 “ZONING,” CHAPTER 18.50 “R-4 RESIDENTIAL DISTRICTS,” SECTION 18.50.010 “Uses Permitted” is amended by deleting the text “Tourist park or” from subsection (B). It is further amended by deleting the text from subsections (C) and (D) in their entirety and replacing it with the following text:

“C. Manufactured home park in accordance with regulations outlined in Chapter 18.115 Manufactured Home Parks”

“D. By conditional use permit from the Planning and Zoning Commission.”

SECTION 5. 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 6. 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 7. 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 JANUARY, 2019.



Johann Wallace, Mayor

ATTEST:



Jennifer Fuller, Town Clerk

Approved as to Form:



Thomas Benavidez, Town Attorney

