

**ORDINANCE O-18-05**

**AN ORDINANCE AMENDING THE ZONING CODE TO ALLOW SPECIAL USE APPLICATIONS FOR ALTERNATIVE LODGING PARKS IN ALL ZONING DISTRICTS AND CLARIFYING SPECIAL USE PERMIT LANGUAGE**

**WHEREAS**, there is currently no provision in the City's Zoning Code to allow the establishment of recreational vehicle park; and

**WHEREAS**, there is currently no provision in the City's Zoning Code to providing for camping facilities; parks for mobile homes that have been designated as rehabilitated by the State Office for Manufactured Housing; or for tiny homes; and

**WHEREAS**, the Planning and Zoning Commission unanimously recommended proposed amendments to the Zoning Code to allow such uses under the umbrella designation of "Alternative Lodging Park", in all zoning districts; and

**WHEREAS**, the Planning and Zoning Commission, however, also unanimously recommended that an Alternative Lodging Park use be allowed only if it undergoes a rigorous special use permit process, with ample public notice and an opportunity for public input; and

**WHEREAS**, it is in the best interests of the City of Bisbee and its citizens to adopt the amendments to the Zoning Code set forth on Exhibit A hereto, allowing for Alternative Lodging Parks through a special use permit, and clarifying language in the Zoning Code for special use permits.

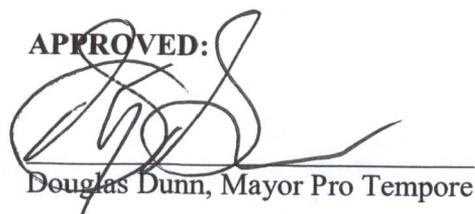
**NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF BISBEE, COUNTY OF COCHISE, STATE OF ARIZONA, THAT:**

**Section 1.** The amendments to Articles 3.2, 5.2.2, 6.7, 6.14 and 9.2 of the Zoning Code, and the Special Use Permit matrix of the Zoning Code, as set forth in the attached Exhibit A, incorporated herein by reference, are hereby adopted.

**Section 2.** If any section, subsection, sentence, clause, phrase 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.

**PASSED, APPROVED AND ADOPTED** by the Mayor and Council of the City of Bisbee on this 20<sup>th</sup> day of March, 2018.

**APPROVED:**



Douglas Dunn, Mayor Pro Tempore

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**ATTEST:**

  
\_\_\_\_\_  
Ashlee Coronado, City Clerk

**APPROVED AS TO FORM:**

  
\_\_\_\_\_  
Britt Hanson, City Attorney

**EXHIBIT A**

**AMENDMENT TO ZONING CODE ARTICLES 3.2, 5.2.2, 6.7 6.14 and 9.2**

*The red text is the proposed amended text*

**3.2 Special Use Permit**

**3.2.1 Issuance**

Special Use Permits, which may be revocable, conditional or valid, for a time period, are a privilege, not a right, and may be granted only after review and recommendation by the Planning and Zoning Commission to the City Council, and only after the City Council has found in writing that the granting of the Special Use Permit will not be materially detrimental to the public health, safety, or welfare. **Special uses that may be applied for are set forth in the Appendix, designated by blank spaces in the Uses and Zone Matrix and in the chart entitled "Special Use Permit Required."**

**5.2.2 RM Zone (Manufactured Home Residential)**

The principal land use is for the installation and occupancy of a manufactured home **or a rehabilitated mobile home** to be used as a single family dwelling, with incidental or accessory uses. All uses allowed in the R Zones are permitted in the RM zones and the R Zone Regulations apply. Mobile homes shall not be allowed as a new use on any site within the City of Bisbee, except as expressly authorized in this article. Mobile homes that are legally established within the City on or before March 1, 2006, are allowed to remain on any site within the City and any such mobile home may be relocated to an existing site within any existing mobile home park, provided that the mobile home meets the requirements of Article 6 for installation and skirting. Manufactured Home Parks shall only be allowed within RM Zone areas and shall require special use permit approval prior to construction.

**6.7 Manufactured Homes and rehabilitated Mobile Homes in the RM Zone**

Manufactured homes **and rehabilitated Mobile Homes** placed in the RM Zone shall meet the following minimum standards:

**A.** Each manufactured home placed in the RM Zone shall be permanently affixed with a decal or label certifying that the dwelling has been inspected and manufactured in accordance with the June 15, 1976 rules, regulations and requirements of the United States Department of Housing and Urban Development, as amended, or such other insignia as may be authorized by law. The decal or insignia of approval shall be conspicuously affixed to the dwelling and shall not be removed or altered in any manner.

**Each rehabilitated mobile home placed in the RM Zone shall be permanently affixed with a Rehabilitation Certificate certifying that the dwelling has been inspected and found to meet or exceed the minimum standards of the State of Arizona Department of Housing, Office of Manufactured Housing for rehabilitated mobile homes.**

**B. Permit.** The installation of any manufactured home **or rehabilitated mobile home** shall be subject to the issuance of a permit by the City Building Inspector, or his designated representative. Prior to the issuance of the permit, the City Building Inspector, or his designee, shall ensure that

such installation or construction, as well as the proposed occupancy, conforms to applicable federal and state manufactured housing regulations, plus applicable local ordinances.

**C. Skirting.** As a condition for the issuance of any final installation permit, skirting enclosing the entire perimeter of the manufactured home **or rehabilitated mobile home** shall be installed, in accordance with the State standards. The skirting shall enclose the entire area between the finished floor level of the home and the ground surface; shall be constructed of durable materials, firmly affixed to the home; and shall be finished to match the home.

**D. Installation.** The manufactured home **or rehabilitated mobile home** shall be set upon appropriate footings and installed as required by the applicable State regulations. Any device used to transport a manufactured home to the site of installation, including, but not limited to, the hitch, wheels, axles, or other devices used primarily for transport, other than the chassis, shall be detached from the dwelling as part of the installation process and removed from the site or put in covered storage.

**E. Plan Submittal.** Notwithstanding any other provision or language of the Bisbee Zoning Code, any application for a permit for installation of a manufactured home **or rehabilitated mobile home**, including any addition or modification thereto, shall be accompanied by a site plan for review by the City Building Inspector or his designee, to determine compliance with this Article, applicable State law and other local ordinances. The site plan shall be drawn to scale and shall contain complete dimensions of the lot or parcel upon which the dwelling is to be installed or constructed, as well as the dimensions and location of the dwelling on the lot or parcel, plus finished floor levels and all setbacks from property lines. The points of connection for all utilities shall be designated on the site plan.

#### **6.14 Prohibition of Occupancy of Vehicles and Trailers for Residential Purposes; Authorization of Temporary Occupancy.**

A. **Except as allowed in an Alternative Lodging Park through a special use permit**, buses, motor vehicles, recreational vehicles, trailers, semi-trailers and travel trailers, as those terms are defined in this Code and the Arizona Revised Statutes, shall not be used as residential dwellings or for permanent occupancy in any zoning district. Properly licensed and registered recreational vehicles and travel trailers only may be used for temporary occupancy, subject to the conditions and limitations stated below.

#### **9.2 Definitions**

**Alternative Lodging Park** shall mean a temporary or permanent use that allows a variety of housing options including manufactured and mobile homes, recreational vehicles, travel trailers, tiny homes and temporary camping facilities that may be granted by Special Use Permit on a case by case basis in any zoning district. The proposed park will require at a minimum a detailed site plan that identifies the number of unit spaces, access points to public streets, internal circulation, buffer

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zones and screening devices, open space/recreational facilities and additional buildings, etc. The minimum parcel size for a proposed Alternative Lodging Park shall be one-half acre with a maximum parcel size of 5 acres. The maximum units per acre for any park will be determined by the Planning Commission based on site conditions.

All manufactured homes to be sited in an Alternative Lodging Park are subject to the minimum standards in Article 6 General Provisions, Section 6.7 in the Bisbee Zoning Code. All pre-1976 rehabilitated mobile homes are subject to the Arizona Department of Housing, Office of Manufactured Housing minimum rehabilitated home standards. Refer to the tiny home definition for the minimum building code standards.

**Rehabilitated Mobile Home** shall mean a mobile home that has been permanently affixed with a Rehabilitation Certificate from the State of Arizona Office of Manufactured Housing, certifying that the dwelling has been inspected and found to meet or exceed the minimum standards of the State of Arizona Department of Housing, Office of Manufactured Housing for rehabilitated mobile homes.

**Tiny Home** shall mean tiny home shall meet the minimum size requirements allowed by the current International Residential Code as adopted by the City of Bisbee.

**The following uses require a Special Use Permit**

<b>Special Use Permit Treatment Required</b>	<b>R1</b>	<b>R2</b>	<b>R3</b>	<b>RM</b>	<b>C1</b>	<b>C2</b>	<b>C3</b>	<b>C4</b>	<b>CM1</b>	<b>CM2</b>	<b>M1</b>	<b>M2</b>	<b>M3</b>
Airport													
Extraction - Mining, Sand, Gravel, Oil, Gas													
Guest Ranches													
Lakes / Ranches													
Lakes / Reservoirs (Man-made)													
Overnight Campgrounds													
Race Tracks													
Rodeo Arena / Commercial Stables													
Shooting Ranges													
Temp. Sales Structure													
Heli Pad / Heli Port													
Signage - All Signage outside allowable Uses													
Communications facilities / Antennas													
<b>Alternative Lodging Parks</b>													