

## ORDINANCE O-21-12

**AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF THE CITY OF BISBEE, ARIZONA, DECLARING THE DOCUMENT ENTITLED “ZONING CODE AMENDMENT ARTICLE 6, SECTION 6.4 WALLS AND FENCES” AS A PUBLIC RECORD; AMENDING ZONING CODE ARTICLE 6, SECTION 6.4 WALLS AND FENCES BY INSERTING SCREENS FOR THE PURPOSE OF PROVIDING AN OPPORTUNITY FOR RECREATIONAL COURTS AS ACCESSORY USES IN PUBLIC USE AND/OR COMMERCIAL HISTORIC DISTRICT, TO PROTECT THE INTEGRITY OF NEIGHBORING PUBLIC USE AND/OR COMMERCIAL AREAS, AND TO MITIGATE ANY DELETERIOUS IMPACTS ON PROXIMATE PROPERTIES; PROVIDING FOR THE REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY.**

**WHEREAS**, the City of Bisbee Zoning Code serves to secure the social, physical, and economic advantages of the citizens of Bisbee; and

**WHEREAS**, the Planning and Zoning Commission of the City of Bisbee develop and recommend ordinances to the City Council for carrying out plans, goals, and objectives related to growth, development, and redevelopment of the City; and

**WHEREAS**, in order to preserve the unique beauty of the City, we encourage growth and re-development, the Planning and Zoning Commission approved the recommendation of a proposed amendment to Zoning Code, Article 6, Section 6.4 by inserting Screens which would provide an opportunity for Recreational Courts as Accessory uses in Public Use and/or Commercial Historic District, to protect the Integrity of Neighboring Public Use and/or Commercial areas, and to Mitigate any Deleterious Impacts on Proximate Properties set for in Exhibit A, hereto; and

**WHEREAS**, it is in the best interests of the City of Bisbee and its citizens to adopt the amendment to Zoning Code, Article 6, Section 6.4 by inserting Screens, as set forth on Exhibit A or, hereto.

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

**Section 1.** That document entitled “Zoning Code Amendment Article 6, Section 64. Walls and Fences,” three (3) copies of which are on file in the office of the City Clerk of the City of Bisbee, Arizona, is hereby declared to be a public record.

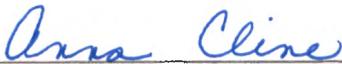
**Section 2.** The Code of Bisbee, Arizona, Zoning Code Article 6, Section 6.4, is hereby amended to inserts Screens, as set forth in that certain document entitled “Zoning Code Amendment Article 6, Section 64. Walls and Fences,” as set forth in the attached Exhibit A, and incorporated herein by reference.

**Section 3.** Providing for Repeal of Conflicting Ordinances. All ordinances and parts of ordinances in conflict with this Ordinance or any part of the Code adopted herein by reference are hereby repealed.

**Section 4.** 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 17<sup>th</sup> day of August, 2021.

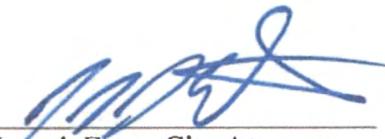
**APPROVED:**

  
\_\_\_\_\_  
Anna Cline, Mayor Pro Tempore

**ATTEST:**

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

**APPROVED AS TO FORM:**

  
\_\_\_\_\_  
Joseph Estes, City Attorney

## EXHIBIT A

### 6.4 Walls and Fences

Walls and fences shall meet the following requirements, and shall be subject to the requirements of Section 6.2, as applicable:

- A. On property zoned R or RM, Residential, walls and fences:
  1. Shall not exceed four (4) feet in height in the front yard and in that portion of the side yard that is between the front lot line and a parallel line extended from the front of the main building to the side lot line.
  2. Shall not exceed six (6) feet in height in the remaining portion of the side yard and rear yard.
  3. Shall not obstruct the view within the sight triangle as needed for viewing intersecting traffic on corner lots.
- B. On property zoned C and M, Commercial and Manufacturing, walls and fences:
  1. Shall not exceed eight (8) feet in height.
  2. Are required for screening on the side and rear property lines where commercial and industrial uses are adjacent to residential districts, and shall be constructed of masonry, wood, or slatted chain link fencing or approved landscaping, as necessary to be sight-obscuring, and shall be maintained in this condition. Screening fences shall not be less than six (6) feet in height and may be required to be up to eight (8) feet in height, if necessary to effectively screen the adjacent residential properties, under the particular circumstances.
  3. Shall be set back sufficiently from the property lines on corner lots to avoid interference with the sight triangle as needed for viewing intersecting traffic on corner lots.
- C. ~~Parks, Utilities, and Government Maintenance Yards~~Screens:
  1. ~~Open fencing not to exceed eight (8) feet in height may be placed around parks, utilities, and government maintenance yards for security and safety.~~

The purpose is to provide an opportunity for recreational courts as accessory uses in public use and/or commercial Historic District, to protect the integrity of neighboring public use and/or commercial areas, and to mitigate any deleterious impacts on proximate properties.

Screens: A fixed or movable upright partition used to divide a room, give shelter from drafts, heat, or light, or to provide concealment or privacy.

    1. Employ screens which can be stored out-of-sight when not in use.
    2. Design screens to minimize impact to the appearance of the existing buildings.
    3. Do Not install permanent screens that block the view of historic facades or block significant view corridors.
    4. Do Not install screens that impact natural light to neighboring properties.
    5. Screens shall not exceed six (6) feet above the surface that they protect.
    6. There shall not be any Advertising on Screens
- D. Parks, Utilities, and Government Maintenance Yards
  1. Open fencing not to exceed eight (8) feet in height may be placed around parks, utilities, and government maintenance yards for security and safety.