

ORDINANCE NO. 2016-002

AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF THE CITY OF SIERRA VISTA, COCHISE COUNTY, ARIZONA; ADOPTING BY REFERENCE TEXT AMENDMENTS TO CHAPTER 151, THE DEVELOPMENT CODE, OF THE CODE OF ORDINANCES FOR THE CITY OF SIERRA VISTA, ARIZONA, WITH ADDITIONAL MODIFICATIONS PERTAINING TO ARTICLE 151.02, DEFINITIONS; ARTICLE 151.06, SPECIAL REGULATIONS FOR PARTICULAR USES; AND ARTICLE 151.22, DISTRICT REGULATIONS AS DESCRIBED ON EXHIBIT "A" ATTACHED HERETO; REPEALING ALL ORDINANCES IN CONFLICT HERewith; PROVIDING FOR SEVERABILITY; AND AUTHORIZING AND DIRECTING THE CITY MANAGER, CITY CLERK, CITY ATTORNEY, OR THEIR DULY AUTHORIZED OFFICES AND AGENTS TO CARRY OUT THE PURPOSES AND INTENT OF THIS ORDINANCE.

WHEREAS, the City of Sierra Vista has previously adopted a development code;  
and

WHEREAS, periodic updates and clarifications are necessary for successful implementation of a development code; and

WHEREAS, the provisions of A.R.S. 9-462.04 and Chapter 151, Development Code, of the City Code of Ordinances, allow text amendments to be granted by the City; and

WHEREAS, in accordance with the provisions of Article 151.31 of the Development Code and established policy, the City of Sierra Vista has proposed text amendments to Chapter 151, the Development Code, of the Code of Ordinances for the City of Sierra Vista, Arizona, by amending Section 151.02, Definitions; Section 151.04, General Regulations; Section 151.05, Performance Standards; Section 151.21, Mixed Use Development; Section 151.22, Establishment of Zoning Districts; Section 151.25, Temporary Use Permits; Section 151.26, Conditional Uses; and Section 151.29, Home Based Businesses; and

WHEREAS, on December 1, 2015, the Planning and Zoning Commission unanimously approved Resolution 1132 recommending approval of the proposed text amendments pursuant to Article 151.31 of the Development Code;

WHEREAS, as required by Arizona Revised Statute § 9-802, on January 14, 2016, the City Council declared a public hearing as Resolution 2016-001 and a thirty-day public record period was declared; and

WHEREAS, as required by Arizona Revised Statute § 9-802, three copies of the proposed text amendments were filed with the City Clerk and kept available for public use and inspection during the public record period; and

WHEREAS, Staff has determined that additional modifications to Article 151.02, Definitions; Article 151.06, Special Regulations for Particular Uses; and Article 151.22, District Regulations warrant approval consideration by the City Council based upon input and comments received during the public record period.

NOW THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF SIERRA VISTA, ARIZONA AS FOLLOWS:

SECTION 1

That the provisions of Resolution 2016-001, which have heretofore been declared a public record pursuant to the provisions of Section 9-802 of Arizona Revised Statutes, are hereby referred to, adopted, and made a part hereof as if set forth fully herein together with the additional modifications as shown in Exhibit "A" attached hereto.

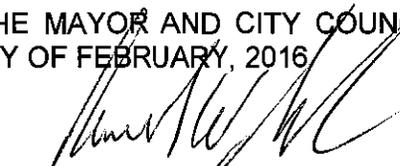
SECTION 2

All other ordinances or parts of ordinances in conflict with this ordinance, to the extent of such conflict and no further, are hereby repealed. Should any section, clause or provision of this Ordinance be declared by the courts to be invalid, such invalidity shall not affect other provisions, which can be given effect without the invalid provision, and to this end, the provisions of this Ordinance are declared to be severable.

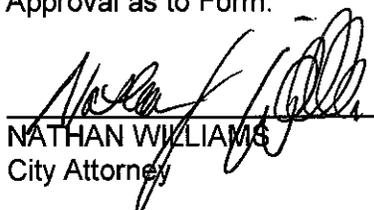
SECTION 3

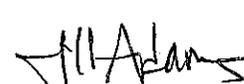
That the City Manager, City Clerk, City Attorney, or their duly authorized officers and agents are hereby authorized and directed to take all steps necessary to carry out the purposes and intent of this Ordinance.

PASSED AND APPROVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF SIERRA VISTA, ARIZONA THIS 25<sup>TH</sup> DAY OF FEBRUARY, 2016

  
\_\_\_\_\_  
FREDERICK W. MUELLER  
Mayor

Approval as to Form:

  
\_\_\_\_\_  
NATHAN WILLIAMS  
City Attorney

Attest:  
  
\_\_\_\_\_  
JILL ADAMS  
City Clerk

PREPARED BY:  
Matt McLachlan, AICP  
Community Development Director

## **EXHIBIT "A"**

**Amend Article 151.02, Definitions, by amending Section 151.02.004, to add the following definitions:**

### **Campground, Developed.**

Means any parcel or tract of real property that is designed for camping and containing ten or more camping spaces offered for the use of the public or members of an organization where sites are substantially developed and tables, refuse containers, flush toilets, bathing facilities, and water are provided. These sites may have individual water, sewer, and electrical connections.

### **Campground, Primitive.**

A campground accessible only by walk-in or pack-in where no facilities are provided for the comfort or convenience of the campers.

### **Camping Unit**

Means a portable structure, shelter, or vehicle designed and intended for occupancy by persons engaged in RVing or camping. This term is intended to be generic to include, but is not limited to, recreational vehicles, tents, and cabins.

### **Mobile Food Vendor.**

Means a person who sells, serves, or offers for sale, or gives away only food from a mobile food vending unit parked or located on a private parcel of property. This term does not include a person who operates a mobile food vending unit at a location for no more than two hours at a time.

**Amend Article 151.06, Special Regulations for Particular Uses, by amending Section 151.06.004(B)(3), Home Based Businesses, to provide as follows:**

- B. Review Standards. The City shall review the home-based business application and issue a permit provided the proposed use does not violate the standards of this Article.
3. ~~The home-based business must be wholly located within the principal building and occupy no more than 25 percent of the home's gross floor area of the principal building or take place within an accessory structure approved by the City.~~

**Amend Article 151.06, Special Regulations for Particular Uses, to add Section 151.06.009, Mobile Food Vendor, to provide as follows:**

### **Section 151.06.009**

#### **Mobile Food Vendor**

##### **A. Minimum Requirements and Restrictions:**

1. Mobile food vendors shall have and maintain the authority or permission to use the parcel of private property on which the mobile vending operation is located, and shall provide, and update as necessary, written evidence to the Community Development Director of that authorization or permission.

2. Connection to a source of electricity, water or sewer at a mobile vending operation site is prohibited.
3. The use of portable or vehicle mounted generators to supply electricity is prohibited.
4. Mobile food vending units shall not be placed or located within the clear vision area as defined under Section 151.04.010 of this Code.
5. No mobile food vending unit shall be larger than twenty-four feet long by ten feet wide by twelve feet high, provided that the operation of attached venting while the unit is in operation shall not be cause for a violation of this paragraph.
6. No mobile vending unit shall operate at any location other than that established on the plot plan submitted with the application as required by this Section.
7. Any mobile vending unit shall be removed from the site during the hours of non-operation.
8. A mobile food vendor shall not operate between the hours of 10:00 p.m. and 8:00 a.m.
9. The area within which a mobile food vendor is operating shall at all times be kept clean and free from litter, garbage, rubble, and debris.
10. A mobile food vendor shall not make use of any outdoor cooking facilities, including grills.
11. A mobile food vendor shall at no time use outdoor utensils, storage, or warming or refrigeration devices, except for disposable tableware.
12. A mobile food vendor may use portable tables, chairs, and awnings in the conduct of operations.
13. Advertising shall be permitted on the mobile food vending unit only to identify the name of the product or name of the vendor, and the posting of prices. No temporary signs are allowed.

B. Permit Required.

1. It shall be unlawful for any mobile food vendor to engage in business within the city without first obtaining a permit. In addition to the requirements of subsection (A), the Community Development Director or Fire Marshal may impose additional conditions of approval deemed necessary to protect the public interest, which shall be stated on a written permit certificate.
2. The permit certificate shall be valid for one (1) year from the date of issuance unless sooner suspended or revoked. Failure to abide by the conditions of approval of subsection (A) and any additional conditions included in the permit by the Community Development Director shall be grounds for immediate suspension and/or revocation of the permit.
3. The permit certificate shall be attached to the mobile vending unit where it is readily visible.
4. The permit fee shall be \$25.00.

C. Exceptions. The provisions of this Section shall not apply to festivals, community projects or public events which occur on a periodic basis and which are specifically approved by the City Council or City Manager and/or his or her designee.

**Amend Article 151.22, District Regulations, by amending Section 151.22.006, Matrix of Use Permissions by Zoning District, to add the following use classifications:**

USE CLASSIFICATIONS	ZONING DISTRICT												
	<u>UR, Urban Ranch</u>	<u>SFR, Single Family Residence</u>	<u>MFR, Multiple Family Residence</u>	<u>MHR, Manufactured Home Residential</u>	<u>RVP, Recreational Vehicle Park</u>	<u>NC, Neighborhood Convenience</u>	<u>LC, Limited Commercial</u>	<u>OP, Office Professional</u>	<u>GC, General Commercial</u>	<u>LI, Light Industrial</u>	<u>IP, Industrial Park</u>	<u>HI, Heavy Industrial</u>	<u>OS/PF - Open Space/Public Facilities</u>
<u>Campground, Developed</u>	<u>NC</u>	<u>NC</u>	<u>NC</u>	<u>NC</u>	<u>C</u>	<u>NC</u>	<u>NC</u>	<u>NC</u>	<u>NC</u>	<u>NC</u>	<u>NC</u>	<u>NC</u>	<u>P**</u>
<u>Campground, Primitive</u>	<u>NC</u>	<u>NC</u>	<u>NC</u>	<u>NC</u>	<u>NC</u>	<u>NC</u>	<u>NC</u>	<u>NC</u>	<u>NC*</u>	<u>NC</u>	<u>NC</u>	<u>NC</u>	<u>P**</u>
<u>Mobile Food Vendor</u>	<u>NC</u>	<u>NC</u>	<u>NC</u>	<u>NC</u>	<u>NC</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>NC</u>	<u>P</u>

\*Except that primitive camping may be allowed on Arizona Trust Land with a Recreation Permit from the Arizona State Land Department provided the campsite is setback at least 100 feet from a property used for residential purposes and at least 50 feet from a drainageway.

\*\*Pursuant to Sec. 94.05 of the Code of Ordinances.

**Amend Section 151.22.012, Recreational Vehicle Park, by amending subsection (A), Purpose, to provide as follows:**

A. Purpose. This zoning district is comprised of areas developed or to be developed for short-term occupancy by ~~travel trailers or recreational vehicles camping units~~, as opposed to semi-permanent or permanent occupancy manufactured home park.

**Amend Section 151.22.012, Recreational Vehicle Park, by amending subsection (E), Property Development Standards, to provide as follows:**

GE. Property Development Standards.

1. Minimum Area: 3 acres.
2. Maximum Density: 15 camping units per acre. The area occupied by the manager's units, recreational and social center complexes may not be included in the area computation.
3. Required Yards Dimensional Standards.

A. Minimum Yard Setbacks of Recreational Vehicle Parks:

- |     |                     |         |
|-----|---------------------|---------|
| a1. | Front Yard          | 15 Feet |
| b2. | Rear Yard           | 10 Feet |
| e3. | Interior Side Yards | 10 Feet |

e4. Street Side Yards: 10 Feet

B. Camping Spaces:

1. From any public road exterior to the campground: 100 Feet from the nearest edge of the right-of-way.
2. Camping space boundary to exterior property line: 50 Feet
3. Distance for camping unit from travel surface of interior roads: 20 Feet
4. Distance between camping unit and a fire pit = 10 Feet

~~e. All yards shall be measured perpendicularly from the property line to the nearest point on any principal or accessory structure.~~

4. Structures in Required Recreational Vehicle Park Yards: No principal or accessory structures, except fences and walls, shall be placed in any required front, rear, or side yard.
5. Minimum Distance between Travel Trailers in Park: 10 feet.
6. Minimum Distance between a Recreational Vehicle and an Accessory Building: 10 feet.
7. Minimum Setback from Recreational Vehicle Park Drives: Principal and accessory structures and attached vehicles shall be set back at least 5 feet from all common drives.