

ORDINANCE O-06-23

**AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF BISBEE,
COUNTY OF COCHISE, STATE OF ARIZONA, AMENDING THE ZONING
CODE OF THE CITY OF BISBEE, SECTIONS 6.8, 6.9 AND 9.2, REGARDING
OUTDOOR STORAGE, VEHICLES AND JUNK MATERIALS, AND
PROVIDING FOR REPEAL AND SEVERABILITY**

WHEREAS, the Zoning Code of the City of Bisbee currently imposes certain limitations upon the storage and maintenance of permanent outdoor storage, abandoned vehicles and junk within the City of Bisbee; and

WHEREAS, these rules are somewhat limited in scope and warrant revision; and

WHEREAS, the maintenance of inoperable vehicles, abandoned appliances and other junk materials by a relatively few members of our community require that we adopt rules to adequately protect the full community from the adverse impacts of these practices by a few citizens; and

WHEREAS, the Planning and Zoning Commission has held five public meetings and solicited public comment to determine the appropriate balance between the legitimate interests of property owners and the interests of the community at large in these regulations; and

WHEREAS, the Planning and Zoning Commission has recommended the approval of these amendments to the Zoning Code, by a vote of 4 in favor and 2 opposed, following the public hearing held on June 15, 2006; and

WHEREAS, the Mayor and Council have the authority to adopt amendments to the Zoning Code, as necessary to protect the health, safety and general welfare of the citizens of this community,

**NOW, THEREFORE, BE IT ORDAINED, BY THE MAYOR AND COUNCIL OF
THE CITY OF BISBEE, COUNTY OF COCHISE, STATE OF ARIZONA, THAT
THE ZONING CODE OF THE CITY OF BISBEE IS HEREBY AMENDED AS
FOLLOWS:**

~~[Deleted Language]~~

New Language

6.8 Outdoor Storage

- A. Permanent outdoor storage means the presence of items on a parcel for a period of ~~[forty eight (48) or more consecutive hours.]~~ thirty (30) or more consecutive days.

This term shall not include the maintenance of garden and landscape improvements, garden tools, recreational equipment, outdoor furniture, patio improvements, outdoor cooking devices, monuments and decorative items, provided that all such items are reasonably incidental and accessory to the residential use of any property.

- B. No portion of any ~~required front setback area~~ front yard, being that area between the front lot line and a parallel line extended from the front of a main building to the side lot lines, shall be used for permanent outdoor storage on a parcel in any district except Commercial (C) and Manufacturing (M).~~[- unless -b]~~ Building materials that are being stored for use on any ~~the~~ site during the time a valid building permit is in effect for construction on the site may be stored in any area of the site.
- C. Trailers, campers, trucks, vans, buses or parts thereof shall not be used for permanent outdoor storage on a parcel in any district except Commercial (C) and Manufacturing (M), unless building materials are being stored for use on the site during the time a valid building permit is in effect for construction on the site.
- D. ~~[Fencing or screening may be required to shield or screen outdoor storage areas.]~~ No side yard, being that area between the front yard and the back yard, that is less than five feet in width shall be used for permanent outdoor storage.
- E. No back yard, being that area between the rear lot line and a parallel line extended from the main building to the side lot lines, or side yard shall be used for permanent outdoor storage of appliances that are not currently connected to power or water and being used as intended, waste tires, indoor furniture, or junk, unless all such materials are maintained in an enclosed area and not visible from surrounding properties or roadways.
- F. All materials that are stored or maintained in a back yard or side yard shall be maintained in an orderly manner as necessary to provide appropriate emergency access to all structures on the property and to avoid creating a hazardous condition.

6.9 ~~[Abandoned or Junk] Vehicle[s]~~ Storage

~~[All abandoned or junk vehicles shall be stored in an enclosed area and shall not be visible from surrounding properties and areas.]~~ Nothing in this section shall prohibit a licensed business from conducting its legal activities. A licensed business may maintain such vehicles as are reasonably related to its operations, subject to any conditions that may be included in its permit.

- A. The provisions of Section 6.8 regarding the permissible locations for permanent storage shall also be applicable to the storage or maintenance of motor vehicles, provided that motor vehicles may be parked or stored in an established driveway or parking place, subject to the provisions below.

- B. No more than one (1) inoperable motor vehicle, or significant parts thereof, may be stored or maintained on any parcel unless all such vehicles are stored within an enclosed area and screened by fencing or otherwise so that none of the vehicles are visible from surrounding properties and roadways. For purposes of this section, an "operable vehicle" means a motor vehicle that is both physically and legally capable of being driven under its own power on a public road. An "inoperable vehicle" is one that fails to meet one or both of these conditions and that has not been repaired or restored to such condition within thirty days of receiving notice from the Code Enforcement Officer or Zoning Inspector.
- C [A.] All vehicles deemed abandoned shall be removed at the owner's expense upon the formal request of the Zoning Inspector. Reasonable effort shall be made by the Zoning Inspector to notify the registered owner of the violation so that he or she may remedy the situation. The property owner shall be responsible for removing each abandoned vehicle remaining on his or her property if the registered owner fails to act following a request or cannot be located.
- D [B] The storing of three (3) or more junk vehicles in an area not enclosed shall be considered an operation of a junk yard which is not [~~permissible~~] permitted in the residential or commercial zones.

9.2 Definitions

In this Ordinance, unless the context otherwise requires:


3. **Abandoned Vehicles** shall mean a vehicle that is subject to registration that is not owned or claimed by the owner of the property on which it is located and that has been left unattended for a period of seventy-two (72) hours or more. [~~be considered abandoned or junk if stored in an unenclosed area and is not in running condition or without proper license or insurance for a period of more than thirty (30) days at a place of residence that is not licensed for repair or restoration.~~]
65. **Junk** shall mean refuse, scrap or discarded materials, including metal, glass, wood, rope, rags, paper, batteries, tires, solid waste, dismantled or wrecked vehicles and parts thereof, which are no longer useful for the purposes for which they were originally intended. [~~which may or may not be useable again in some form.~~] Refuse shall include all putrescible and non-putrescible waste materials.
66. **Junk Vehicle** shall mean any vehicle or major portion thereof which is incapable of movement under its own power and that cannot be reasonably restored to a working condition without undue expense. [~~will remain so without major repair or reconstruction.~~]

All Ordinances, parts of Ordinances, Resolution and parts of Resolutions in conflict with the provisions of this Ordinance, or any part hereof, are hereby repealed.

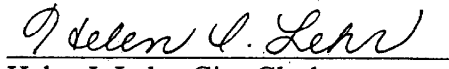
If any section, subsection or portion of this Ordinance is for any reason held to be invalid or unenforceable by the decision of any court or competent jurisdiction, such decision shall not affect the validity or enforceability of the remaining portions hereof.

PASSED, APPROVED AND ADOPTED by the Mayor and Council of the City of Bisbee, this 3rd day of October 2006.

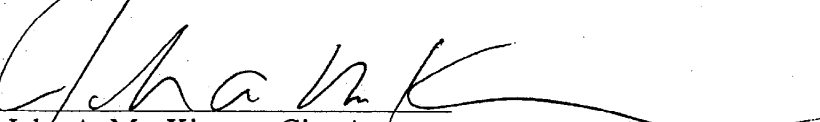
APPROVED:


Ronald Oertle, Mayor

ATTEST:


Helen I. Lehr, City Clerk

APPROVED AS TO FORM:


John A. MacKinnon, City Attorney