

ORDINANCE O-17-16

AN ORDINANCE AMENDING ZONING CODE 5.2.3 TO ALLOW FOR RESIDENTIAL USE IN C-1 AND C-2 ZONES. THE ORDINANCE AMENDS ZONING CODE 5.2.3 AND THE ASSOCIATED MATRIX IN THE APPENDIX TO THE ZONING CODE BY INCLUDING CHECKED BOXES IN THE C-1 AND C-2 COLUMNS

WHEREAS, throughout the City of Bisbee there are instances of commercial zoned properties that are illegally being used as mixed use residential/commercial properties; and

WHEREAS, the City of Bisbee has more commercial zoned properties than it may ever have commercial tenants; and

WHEREAS, the inclusion of residential use in these commercial zoned properties would allow the City of Bisbee property owners more flexibility in the use of their property; and

WHEREAS, it would be pragmatic for the City of Bisbee to legally allow for mixed residential use of these commercial properties; and

WHEREAS, it is in the best interests of the City of Bisbee and its citizens to adopt the amendment to the Zoning Code set forth in Exhibit A and the Amendment to the associated Matrix in the Appendix to the Zoning Code in Exhibit B.

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

Section 1. The amendment to Article 5.2.3 of the Zoning Code, by adding residential use to C-1 and C-2 Zones, as set forth in the attached Exhibit A, incorporated herein by reference, is hereby adopted.

Section 2. The amendment to the associated Matrix for Article 5.2.3 in the Appendix to the Zoning Code, as set forth in the attached Exhibit B, incorporated herein by reference, is hereby adopted.

Section 3. 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 5th day of December 2017.

APPROVED:



David Smith, Mayor

ATTEST:

Ashlee Coronado
Ashlee Coronado, City Clerk

APPROVED AS TO FORM:

Christine J. Roberts
Christine J. Roberts, Deputy City Attorney

EXHIBIT A

AMENDMENT TO ZONING CODE ARTICLE 5.2.3 BY ADDING RESIDENTIAL USE TO C-1 AND C-2 ZONES

5.2.3 C Zone (Residential/Commercial)

Allowable C Zone uses:

- Division 1.** Any residential, office, retail, automobile service station, restaurant, day-care center, churches, recreational and educational facilities, small-scale retail and personal service use that serves the day-to-day needs of the residents of the surrounding area
- Division 2.** Any use permitted in the C, Division 1 zone and residential, nurseries, physical fitness centers, community and fraternal clubs, libraries and governmental offices.
- Division 3.** Any use permitted in the C, division 2 zone and supermarkets, department stores, hospitals, automobile sales, lumber yards, wholesale outlets, printing plants, cocktail lounges and taverns, self storage centers, theaters, bowling alleys, museums, hotels and motels, except residential.
- Division 4.** Any use permitted in the C, Division 3 zones and large scale retail, commercial and wholesale uses, bakeries, storage yards, distributors, machine shops and woodworking shops, except residential.

Table 5.2.3A C Zone Regulations
(In feet, unless noted otherwise)

Division	Min. Lot Area (SF)	Min. Lot Width	Min. Lot Depth	Min. Front Setback	Min. Side Setback	Min. Rear Setback	Max Building Height
1	6,000	30	70	0	0	0	30
2	N/A	30	70	0	0	0	40
3	N/A	75	100	0	0	0	50
4	N/A	75	100	0	0	0	50

All lots shall have access for fire fighting apparatus based on the adopted Bisbee Fire Code. The Use Matrix, Appendix Figure One, further details allowed uses.

EXHIBIT B

AMENDMENT TO ARTICLE 5.2.3 MATRIX IN THE APPENDIX TO THE ZONING CODE

RESIDENTIAL USE	R1	R2	R3	R M	C1	C2	C3	C4	CM1	CM2	M 1	M 2	M 3
One Family Dwelling	X	X	X	X	X	X			*	*			
Two Family Dwelling		X	X						*	*			
Multiple Dwellings			X						*	*			
Apartment Houses			X						*	*			
Condominiums			X						*	*			
Manufactured Home				X									

*** See Section 5.2.3**