

ORDINANCE O-17-17

AN ORDINANCE AMENDING ZONING CODE ARTICLE 8.7 TO PROVIDE A PERMANENT PARKING EXEMPTION FOR EXISTING COMMERCIAL STRUCTURES AND EXISTING RESIDENTIAL USES IN CM ZONE OF THE BISBEE HISTORIC OVERLAY ZONE

WHEREAS, the existing buildings in the Bisbee Historic Overlay Zone were built without any provisions for parking; and

WHEREAS, in most instances, it is not feasible for the City of Bisbee property owners and citizens to meet the parking requirements for existing commercial and existing residential uses in the CM Zone of the Bisbee Historic Overlay Zone; and

WHEREAS, it is unreasonable for the City of Bisbee to require its citizens to comply with a requirement that is not feasible; and

WHEREAS, pursuant to City of Bisbee's Zoning Code Article 8.7, existing commercial structures and existing residential uses in the CM Zone of the Bisbee Historic Overlay Zone are currently granted a temporary parking exemption for existing construction permits issue during the period from July 1, 2011 to June 30, 2015; and

WHEREAS, for over the past two (2) years, the City of Bisbee has granted temporary extensions of Article 8.7 of the Zoning Code; and

WHEREAS, the City of Bisbee's Planning and Zoning Commission unanimously approved a proposed amendment to change the temporary parking exemption of Article 8.7 of the Zoning Code to a permanent parking exemption; 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, attached hereto.

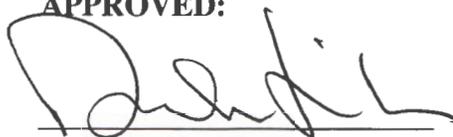
NOW, THEREFOR, BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF BISBEE, COUNTY OF COCHISE, STATE OF ARIZONA, THAT:

Section 1. The amendment to Article 8.7 of the Zoning Code, changing the temporary parking exemption to a permanent parking exemption, as set forth in the attached Exhibit A, incorporated herein by reference, is 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 16th day of January, 2018.

APPROVED:

A handwritten signature in black ink, appearing to read "David Smith", written over a horizontal line.

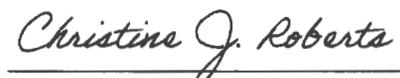
David Smith, Mayor

ATTEST:

A handwritten signature in black ink, appearing to read "Ashlee Coronado", written over a horizontal line.

Ashlee Coronado, City Clerk

APPROVED AS TO FORM:

A handwritten signature in black ink, appearing to read "Christine J. Roberts", written over a horizontal line.

Christine J. Roberts, Deputy City Attorney

EXHIBIT A

AMENDMENT TO ZONING CODE ARTICLE 8.7 CHANGING TEMPORARY PARKING EXEMPTION TO PERMANENT PARKING EXEMPTION

8.7 Historic District ~~Temporary~~ **Permanent** Exemption (Ordinance O-11-11 June, 2011)

Within the Bisbee Historic Preservation Overlay Zone, for all alterations, additions, extensions or enlargements of existing structures and associated improvements for commercial development and for residential development within an existing CM zoned structure, ~~for which a building permit for construction is issued during the period from July 1, 2011 to June 30, 2015,~~ the parking requirements of Article 8.1 of this Zoning Code shall not be applicable. No additional parking spaces shall be required by this Article in connection with any such construction, enlargement or renovation or the subsequent use of that commercial space for the uses specifically designated in any such building permit. Off-street parking currently being maintained in connection with any existing building or use shall be maintained so long as that building exists or its use continues.