



**City Of Bisbee
Planning and Zoning Commission Meeting
118 Arizona Street
Bisbee, Arizona 85603
February 20, 2014, 6:00 pm**

Agenda

THE ORDER OR DELETION OF ANY ITEM ON THIS AGENDA IS SUBJECT TO MODIFICATION AT THE MEETING.

6:00 pm Call To Order

Roll Call - Commission Members

| | Present | Absent | Excused |
|---|----------------|---------------|----------------|
| Mark Apel - Chairman | | | |
| Judy Anderson | | | |
| vacant | | | |
| Keith Dennis | | | |
| vacant | | | |
| Jenny Druckman | | | |
| vacant | | | |
| Douglas Dunn – Council Liaison to the Commission | | | |

CALL TO THE PUBLIC – Ask if any member of the public wishes to speak about Planning and Zoning Issues NOT on this agenda.

New Business

1. **Discussion and Possible Recommendation to Mayor and Council for Proposed Amendments to the Water Conservation Program Regulations, Article 12.2, 12.3, and 12.4 of the Zoning Code. Public Hearing.**

These amendments would provide additional limits on the installation of turf in commercial developments, irrigation requirements, transfer the interior water conservation requirements to the building code section of City Code, and impose a requirement for providing new owners and occupants with information on their water conservation systems.

Call for the Staff report. (The City is the applicant for this item.)

Declare the Public Hearing open and receive comment.

Declare the Public Hearing closed.

Call for Commission discussion.

Call for any additional staff recommendations.

Call for a motion.

Call for discussion of motion.

Call for vote.

2. **Discussion and Possible Recommendations to Mayor and Council for the Adoption of Amendments to the City Code, Article 7.2 Plumbing Code, Article 7.2.3, Water Conservation Requirements.**

This Commission is not required to make recommendations to the Mayor and Council regarding amendments to the City Code. You may wish to offer your opinion to them regarding the proposed water conservation amendments to the Plumbing Code, as previously discussed in connection with the other water conservation requirements.

3. **Discussion and Possible Recommendations to Staff Regarding the Issues Raised in the Joint Meeting with the Design Review Board and Representatives of the State Historic Preservation Office.**

This agenda item will provide an opportunity to discuss any issues raised in the joint meeting of December 4, 2013, with representatives from the State Historic Preservation Office regarding the Historic District.

4. **Discussion and Possible Recommendations to Staff Regarding Amendments to the Zoning Code for Solar Devices.**

Following the joint meeting with the representatives from the State Historic Preservation Office, the Commission members may have additional recommendations as to how to proceed with this project. The most recent draft document is attached.

5. Discussion and Possible Recommendations to Staff Regarding the Revision or Amendment of the General Plan.

It is time to begin discussing our plans for the update or amendment of the General Plan and process that will be used for this work. Mr. Apel has exercised his initiative to help get this started. We will need to discuss how best to proceed going forward.

Proposals for Future Agenda Items

Commissioner's Comments

Planning Directors Report

Adjournment

Next Regular Session, March 20, 2014

Should anyone need any special accommodations for this meeting, please contact Joel Ward, Building Inspector, at (520) 432-6015 at least twenty-four hours before the meeting.

**PROPOSED AMENDMENTS TO THE ZONING CODE
OF THE CITY OF BISBEE**

ARTICLE 12 WATER CONSERVATION PROGRAM

12.2 Outdoor Water Conservation Requirements.

12.2.2. Add the following, regarding site plans for commercial, subdivision, and master development plans:

Irrigated turf shall not be allowed in new commercial development.

12.2.5 Add the following regarding golf courses:

Irrigated turf areas for golf courses shall not exceed an average of five (5) acres per hole.

12.2.2.7. Add the following regarding landscaping and irrigation requirements:

All exposed soil shall be covered with not less than 2 inches of mulch material. Irrigation systems shall be installed with 30-day scheduling capacity and with rainfall shutoff devices which interrupt the delivery of irrigation water when effective rainfall is present. Irrigation systems shall be designed and installed to avoid runoff and overspray during operation.

12.3 Interior Water Conservation and Plumbing Standards

Delete this section. Now replaced by Water Conservation Plumbing Code Standards (see above)

12.4 Educational Programs and Demonstration Projects

Add the following section:

Homeowner and Building Management Education.

The builder or developer of a new residential project shall provide the first owner/occupant with an Operating Manual that includes specific instruction for the efficient use, operation, and maintenance of all water consumptive appliances, irrigation and water delivery systems, pools and spas, as applicable.

If an irrigation system is installed, the builder shall provide the single-family homeowner and/or commercial site owners with an “as-built” drawing (e.g. schematic) of the system, an itemized list of irrigation components, copies of the irrigation schedules, and instructions on the how to reprogram the schedule after the landscaping is established.

**PROPOSED AMENDMENTS TO THE CITY CODE
ARTICLE 7.2. PLUMBING CODE.**

[New Article]

Article 7.7.3 Water Conservation Requirements

The following water saving requirements are intended to be applied in connection with the provisions of the adopted Plumbing Code and shall be applicable to all new construction and to that portion of any remodeled or retrofitted commercial construction which includes any substantial replacement or remodeling of the systems or fixtures described in this Article.

A. Plumbing Standards

1. Hot water pipes, including those in any recirculation system, shall be insulated with a minimum thermal resistance (R-value) of R-4.
2. Hot water systems shall be designed and shall include such components as may be necessary to deliver hot water at each demand point with no more than 0.6 gallons (2.3 liters) of water delivered prior to the delivery of hot water.
3. All new single family residential construction shall include plumbing features that will be readily adaptable, accessible, and clearly marked to allow for the optional use of the “gray water” (aka “greywater”) to be produced by the residents, to be used as a source for outdoor irrigation, in the manner allowed by applicable law.
4. Water service pressure at the point of delivery for residential occupancies shall not exceed 60 pounds per square inch (psi). The Building Inspector is authorized to allow exceptions where circumstances beyond the control of the property owner may require a higher limit.

B. Plumbing Fixture Standards

Except as otherwise noted, the following designated plumbing fixtures and appliances shall either be “WaterSense” labeled fixtures, or shall meet or exceed the water conservation standard established for these types of fixtures through the “WaterSense” program. “WaterSense” is a program established by the U.S. Environmental Protection Agency which, among other matters, establishes criteria for water-efficient plumbing fixtures and maintains listings through the EPA website of the designated criteria and approved fixtures. For proposed fixtures or appliances which do not include the “WaterSense” label, the property owner or contractor shall have the obligation of demonstrating that the proposed fixture meets or exceeds these requirements. (Where flow

rates are provided in parentheses, these represent maximums at the time of the adoption of this regulation, but may be subject to change as the “WaterSense program efficiencies are improved.)

1. Toilets (1.28 gallons per flush- gpf)
2. Flushing urinals (only for custodial cleaning) or non-water using units.
3. Bathroom sink faucets and faucet accessories. (1.5gpm)
4. Kitchen sink faucets and accessories (2.2 gpm max.).
5. Showerheads, single units.
 - For shower compartments with multiple outlet units, including body sprays, rain systems, waterfalls, and jets, the total flow rate of water from all such outlets into the compartment shall not exceed 2.0 gpm.
6. Residential clothes washers, Energy Star qualified with a water factor equal or less than 6.0 gallons of water per cycle per cubic foot of capacity.
7. Commercial laundry facilities, including for-fee washing machines available to the public or residents of a multifamily housing development, Energy Star qualified with a water factor of 4.5 gallons per cubic foot of capacity, or less.
8. Evaporative cooling systems for single family residences shall use a maximum of 3.5 gallons (13.3 liters) of water per ton-hour cooling, when adjusted to maximum water use.
9. Water softener systems shall be certified to meet the standards of NSF/ANSI 44, Residential Cation Exchange Water Softeners, 2, including the efficiency ratings standards in Section 7.
10. Drinking water treatment systems must be certified to yield at least 85 gallons of treated water for each 100 gallons of water processed.

C. Prohibited Plumbing Fixtures

The following designated types of plumbing fixtures and systems shall not be permitted in connection with any new or remodeled commercial or multifamily building or other facility. For purposes of this restriction, a “remodeled commercial or multifamily building or facility” would include any such structure or improvement in which these designated types of plumbing fixtures and systems were not already in place.

1. Outdoor air-cooling misters which release water or water vapor, reducing the apparent ambient temperature in that location.
2. Commercial car washing facilities, including dealerships, which do not include systems which recycle a minimum of seventy-five percent (75%) of the water used in the system.
3. Watering or irrigation systems that do not include rainfall shutoff devices, or other mechanisms that reduce or interrupt the delivery of water during effective rain events.

**DRAFT AMENDMENT TO THE ZONING CODE
SOLAR ENERGY DEVICES**

6.15 Solar Energy Devices

- A. The City of Bisbee supports the use and development of solar energy devices as an important means to make this community more self sustaining, to reduce the amount of non-renewable energy used in this area, and to improve the quality of our environment. There are, however, certain situations in which the use of these beneficial devices must also be balanced with other significant interests in this community and the interests of the owners of the surrounding properties. The purpose of this Code section is to help to achieve the appropriate balance of interests that is necessary for a viable, sustainable community.
- B. Within the City of Bisbee, outside of the designated Historic Preservation Overlay District, the installation of solar energy devices on the roofs of existing or permitted buildings, no higher than eight (8) feet above the roof surface, measured from the mounting location, or which do not exceed the limits of the following paragraph E.2, shall be subject to compliance with all applicable building and safety codes, but shall not require any additional form of public review.
- C. For all building permits authorized pursuant to this Article, installation plans signed and sealed by a licensed engineer or architect shall not be required in connection with the building permit for installation of the device unless, due to the proposed size and shape of the particular device, the Building Inspector has a reasonable belief that this particular device may pose a hazard to the structure, its occupants, or the surrounding properties, as shall be explained in a written request for any such additional approval. Solar devices shall not be subject to any additional height restrictions in this Zoning Code and their additional height shall not be included in the determination of the maximum height of the building or structure. Roof mounted solar devices shall not extend beyond the perimeter of the supporting building or structure. No solar device shall be constructed or maintained within or over the required set back area for that property.
- D. Applications for permits to install solar devices within the Historic District shall first be submitted to the Design Review Board for its consideration, prior to the application of any of the other review and permitting procedures. The Design Review Board shall evaluate the application based

on the following design principles, intended to minimize the adverse impact of any such development on the special characteristics that are intended to be protected by the creation of the Historic District.

1. Locate the solar devices in an inconspicuous location. Can the solar device be located in a rear or side yard, low to the ground, in a manner that limits their visibility, but with due respect to any historic landscape features?
2. Locate the solar device on new construction. Are there areas of new construction or additions where the solar devices could be located, in order to maintain compatibility with the historic building and protect it from alteration?
3. Locate the solar device in an area that minimizes its visibility from the public streets and roads. Can the solar devices be placed on locations other than street-facing walls and roof, or below and behind parapet walls and dormers?
4. Avoid installations that would result in the permanent loss of significant character-defining features of historic structures. Can the solar devices be installed without altering existing roof lines or obstructing the views of significant architectural features?
5. Avoid installations that result in the removal or permanent alteration of significant architectural features. Can the solar devices be installed in a manner that is reversible, and that will not result in the permanent alteration of intact historic materials and features?
6. Require low profiles. Can the solar devices be mounted flush with, or no higher than a few inches above, the existing roof surface, so that they are not visible above the roof line of the primary façade?
7. On flat roofs, set the solar device back from the edge. Can the solar devices be set back from the roof edge, and adjusted so that they are not visible from below?
8. Avoid disjointed or multi-roof installations. Can the solar devices be installed at angles that are consistent with the slope and pitch of the supporting roof and on one roof plane, in a manner that matches the general shape and configuration of the roof upon which they are mounted?
9. Ensure that the solar device, support structures, and conduits blend into the surrounding features of the supporting structure. Can the

visibility of the solar devices be reduced by matching them in color and texture to the surrounding historic building?

After the Design Review Board has considered the application, and any modifications that may be accepted by the applicant, it shall make its recommendations to the Building Inspector and the Planning and Zoning Commission, as applicable. If the Design Review Board has determined that this application, including any modifications accepted by the applicant, is consistent with these design principles, no further public review is required and a building permit may be issued by the Building Inspector, subject to the provisions of paragraph C, above, unless any of the other criteria for a public hearing, as stated in paragraph E, are applicable. If the Design Review Board has determined that the application, including any modifications accepted by the applicant, is not consistent with these design principles, the application shall be subject to the public notice and hearing process described in paragraphs F and G below.

- E. The following criteria will determine whether or not a particular solar device installation will be subject to additional public review. The public notice process described in the following sections shall be applicable for those proposed solar device installations for which any of the following are true:
1. any part of the solar device installation will be located more than eight (8) feet above the roof surface, as measured from the mounting surface; or
 2. the solar device will not be located on a roof surface and will have a cumulative foot print or total surface collection area in excess of one thousand two hundred (1200) square feet or a maximum height more than twelve (12) feet above the existing grade; or
 3. the Design Review Board has determined that the application, including any modifications accepted by the applicant, is not consistent with the design principles specified in paragraph C.
- F. If the public notice process is applicable, the applicant must present to the Building Inspector a description of the proposed project with a conceptual drawing or scaled rendering of where the proposed solar devices will be located on the property and the proposed sizes and heights of each such device, together with any additional description of the project and the reasons for its proposed design and location, that the applicant is able to provide. The applicant is not required to present final engineering plans at

this stage, but should attempt to provide sufficient information to assist the adjacent property owners in understanding the nature and extent of the project. The applicant is encouraged to provide the most realistic presentation of the exterior elevations and relative heights of the proposed project to the surrounding structures as can be feasibly provided within the time and resources available.

- G. The Building Inspector will send a copy of these materials to the owner, as determined by the available Assessor records, of each property located within three hundred (300) feet of the subject property, together with a notice indicating that:
1. The applicant may be able to provide additional information about this proposed project, with contact information for the applicant; and
 2. The date, time, and location of any neighborhood meeting, if any, that the applicant has scheduled to discuss this project; and
 3. For properties located outside of the Historic District, a statement that if the City of Bisbee does not receive written statements from twenty percent (20%) or more of the notified property owners either objecting to the application or requesting a public hearing on this application, within fifteen (15) days of the date of the notice, then this application will be approved and a building permit will be issued for the installation of the proposed solar device, subject to compliance with all applicable building and safety codes.
 4. For properties located within the Historic District, a statement that a hearing will be held if the Design Review Board has not approved this application or if the City of Bisbee does receive written statements from twenty percent (20%) or more of the notified property owners either objecting to the application or requesting a public hearing on this application, within fifteen (15) days of the date of the notice. If no hearing is required, then this application will be approved and a building permit will be issued for the installation of the proposed solar device, subject to compliance with all applicable building and safety codes
- H. If a public hearing is required due to the objections or requests of the property owners, or the failure to receive approval by the Design Review Board, if applicable, then such a hearing shall be scheduled before the Planning and Zoning Commission at the soonest possible date that is sufficient to allow written notice of not less than ten days to the applicant and adjacent property owners. At the hearing, the Commission shall

consider such information as the applicant, the property owners, and anyone else who may be qualified to offer an informed opinion on the issues may provide. The Commission shall review the following issues:

1. Whether the proposed installation is a reasonable facility for that location, given the needs of the applicant and the potential impacts upon the surrounding properties? The potential impacts upon surrounding properties that may be considered include, but are not limited to, whether the installation would shade other properties; block views; reflect glare, light, or heat; cause water run-off; or generate noise that may be heard off-site. Within the Historic District, potential impacts may also include impacts on the protection and preservation of the District, its attributes, and its contributing properties.
 2. Whether the proposed location on the subject property is necessary or appropriate for the safe, efficient, and economical installation of this installation, or whether an alternative location with less potential off-site impacts may be suitable for the installation?
 3. Whether there are other potential mitigating actions that could be reasonably taken to lessen the potential impacts of the proposed installation upon adjacent properties?
- I. At the conclusion of this hearing, the public body may either approve the proposed installation; condition its approval of the installation upon other measures or the use of another suitable location, as necessary to minimize adverse impacts, without significantly compromising the efficiency of the device; or deny the application and request the applicant to review other means to achieve the desired results, with lesser adverse impacts upon the community.
- J. For purposes of this Article, the term “solar device” means a system or series of mechanisms designed primarily to provide heating, to provide cooling, to produce electrical power, to produce mechanical power, to produce biological sources of combustible fuel, or to provide any combination of the foregoing, by means of collecting and transferring solar generated energy into such uses either by active or passive means. Such systems may also include the capacity of storing energy for future utilization.