

ORDINANCE O-23-02

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF BISBEE, COUNTY OF COCHISE, STATE OF ARIZONA, DECLARING THE DOCUMENT ENTITLED “BISBEE ZONING CODE UPDATES FOR DESIGN REVIEW BOARD DEVELOPMENT STANDARDS FOR THE BISBEE HISTORIC PRESERVATION DISTRICT” AS A PUBLIC RECORD; AMENDING ZONING CODE ARTICLES 2, 3, 5, 6, AND 7 IN RELATION TO DESIGN REVIEW BOARD DEVELOPMENT STANDARDS FOR THE BISBEE HISTORIC DISTRICT; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, In order to carry out the provisions and intent of the Design Review Board (“DRB”) as provided for in the City of Bisbee (“City”) Zoning Code for the protection of the Bisbee Historic Preservation District (“Historic District”), the DRB has proposed amendments to the Development Standards for clarity and practicality for the Historic District; and,

WHEREAS, The DRB has determined that certain Development Standard amendments to the Bisbee Zoning Code will maintain a policy to protect the Historic District from detrimental effects; and,

WHEREAS, the City Council considered the recommendations from the DRB and has determined it is in the best interests of the City and its citizens to amend certain regulations in the Zoning Code for Articles 2, 3, 5, 6, and 7 pertaining to the DRB’s Development Standards as set forth in the document entitled “Bisbee Zoning Code Updates for Design Review Board Development Standards for the Bisbee Historic Preservation District,” a copy of which is attached hereto as Exhibit A.

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

Section 1. The document entitled “Bisbee Zoning Code Updates for Design Review Board Development Standards for the Bisbee Historic Preservation District,” three (3) copies of which are on file in the office of the City Clerk of the City of Bisbee, Arizona, is hereby declared to be a public record.

Section 2. The City of Bisbee Zoning Code, Articles 2, 3, 5, 6 and 7 are hereby amended as set forth in the attached Exhibit A and incorporated herein by reference, with additions in all bold and capital letters and deletions in strikeout.

Section 3. Providing For Repeal of Conflicting Ordinances. All ordinances and parts of ordinances in conflict with the provisions of this Ordinance or any part of the Zoning Code adopted herein by reference, are hereby repealed.

Section 4. Providing For Severability. If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is for any reason held to be invalid or unconstitutional by the

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decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions.

Section 5. Effective Date. The effective date of this Ordinance shall be 31 days following adoption by the City Council.

PASSED, APPROVED AND ADOPTED by the Mayor and Council of the City of Bisbee on this 21st day of February, 2023.

APPROVED:



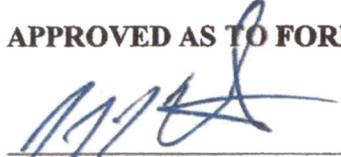
Ken Budge, Mayor

ATTEST:



Ashlee Coronado, City Clerk

APPROVED AS TO FORM:



Joseph D. Estes, City Attorney
Gust Rosenfeld, P.L.C.

EXHIBIT A

**BISBEE ZONING CODE UPDATES FOR DESIGN REVIEW BOARD DEVELOPMENT
STANDARDS FOR THE BISBEE HISTORIC DISTRICT**

ARTICLE 2 OFFICIALS, BOARDS AND COMMISSIONS

2.6 Design Review Board

2.6.1 Creation, Composition, and Operation

- A. There is hereby created a Design Review Board to comply with certified Local Government regulations for Historic District consisting of seven (7) members. Design Review Board members shall serve without compensation and must all be residents of the City of Bisbee. A majority must be residents or property owners of the Historic Preservation (HP) District.
- B. Meetings shall be held on a monthly basis or more frequently as required.
- C. The members of the Design Review Board will be appointed by and serve at the pleasure of the Mayor and Council. Design Review Board terms shall be three (3) year renewable terms. The terms will be staggered so that no more than three terms expire in the same year.
- D. The members of the Design Review Board shall have the following qualifications:
 - 1. Members shall be interested in and knowledgeable of the historic and architectural character of the Bisbee Historic District(s).
 - 2. Members shall have the ability to read two dimensional drawings that will be submitted and shall have the ability to conceptualize changes to the submitted plans.
 - 3. When any Design Review Board member has direct pecuniary interest in any matter before the Design Review Board, the member shall be disqualified from participating while the Design Review Board is hearing that particular matter.
- E. The Design Review Board shall obtain the services of architects, landscape architects, or other persons qualified by design background, training, or experience to advise on design aspects as or when appropriate. The Design Review has no authority to commit or expend funds without prior approval of City Council.
- F. The majority of the Design Review Board must be present for a quorum.

2.6.2 Powers and Duties

- A. The Design Review Board shall have the power in the Historic District Overlay Zone to review proposals for exterior construction, reconstruction, alterations, or structural changes and to approve, ~~conditionally approve, or disapprove~~ **APPROVE WITH CONDITIONS** or deny an application. Said powers may be delegated by the Design Review Board to the Planning and Zoning Administrator to approve, ~~conditionally approve, or disapprove~~ **APPROVE WITH CONDITIONS** an application for minor remodel, signs, or demolition. An application denied by the Planning and Zoning Administrator shall, at the election of the applicant, be submitted to the Design Review Board for its consideration at its next regularly scheduled meeting. (O-99-11)

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- B. All applications for Design Review can be appealed by the process set forth in this Ordinance.
- C. It shall be the responsibility of the applicant to prove to the Design Review Board or its designee, the Planning and Zoning Administrator, that the project in question conforms with the intent and purpose established in this Ordinance and with the adopted design guidelines. (O-99-11)
- D. Design Review Board, upon hearing an application, shall impose such reasonable conditions as it may deem necessary in order to carry out fully the provisions and intent of this ordinance.
- E. Any exterior changes, requiring a building permit or not, must have approval of the Design Review Board prior to the commencement of work. When any project has been started without Design Review Board approval, the Design Review Board shall request that the building Official issue a Stop Work Order which shall be in effect until approval is granted by the Design Review Board.
- F. Design Review Board is authorized to survey and inventory the historical properties in the Bisbee Historic District. Furthermore, the Design Review Board shall hold public hearings, at its own initiative or at the request of any other for the purpose of making nominations to the National Register of Historic Places. At the conclusion of the public hearing, the Board shall forward a recommendation to the City Council regarding the nomination to the National Register. The Council shall hold a second public hearing, at which time the City Council shall determine whether to nominate the property to the National Register of Historical Properties.
- G. The Design Review Board will submit a yearly written report to the Mayor and Council and make the report available to the public.
- H. The Design Review Board shall elect a Chair and Vice Chair from among their membership.

2.6.3 Establishment and Extension of the Bisbee Historic District

- A. The Bisbee Historic District is hereby created and has the same boundaries as the Historical Preservation District created by the 1971 City of Bisbee Ordinance adopted March 7, 1972. The boundary of this district encompasses all properties within the City Northwest of the intersection of Naco Road and Highway U.S. 80.
- B. Additional areas may be added to the Bisbee Historic District at any time by the following procedure:
 - 1. Owners of 51% of the properties within the proposed district shall submit a written request or petition to the Design Review Board.
 - 2. A public hearing on the request shall be scheduled by the Design Review Board and every reasonable effort will be made by the City to notify property owners within the proposed district of the hearing.

3. Within ten (10) working days after the hearing, the Design Review Board and shall make its recommendation on the proposed addition to the Planning and Zoning Commission.
 4. Within twenty (20) working days of the recommendation, the Planning and Zoning Commission will forward its recommendation along with that of the Design Review Board to the City Council. Failure to act within this period by the Planning and Zoning Commission shall constitute endorsement of the Design Review Board's recommendation.
 5. After receipt of the Planning and Zoning Commissions recommendation or within thirty (30) working days of the public hearing, whichever comes first, the City Council shall schedule a hearing on the proposed district at its next regular session.
 6. Approval of the proposal by the City Council shall constitute an amendment to the Zoning Ordinance in lieu of the procedures of Section 3.1. The addition shall be subject to the Bisbee Historic District regulations which supersede the zoning classification regulations.
- C. The Bisbee Historic District is an overlay to the basic zoning district.

ARTICLE 3 PROCEDURES

3.5 Architectural Design Review for Historic Preservation (HP) Overlay District

3.5.1 Purpose

Architectural Design Review is intended to encourage and enhance the historical character and natural attractiveness of the City of Bisbee. It is a recognized fact that part of the economic well-being of the City depends upon its tourism development. It is also the intent of this district to protect the City's unique architecture and items of historical significance from the effects of inharmonious, bizarre, and out-of-scale development. Architectural Design Review requires a review of the exterior design for all buildings, structures, or appurtenances which are to be erected, constructed, converted, established, altered or enlarged within those districts subject to Architectural Design Review, by the Design Review Board.

The Historical Preservation District is a supplemental special district which, when superimposed over any other zoning district, requires the plans for all sites, buildings, structures, or appurtenances to be erected, constructed, converted, established, altered or enlarged within the district to be reviewed and approved by the Zoning Administrator and the Design Review Board prior to any construction, removal, or site work.

3.5.2 Review Requirements and Procedures

- A. Prior to the change of any building's exterior features, by remodeling or alteration, and prior to any new construction within the District, the property owner, or his designated agent, shall secure the approval of the Design Review Board. For commercial buildings located within the portion of the District that is officially included within the National Register of Historic Places, each property owner shall obtain specific approval from the Design Review Board prior to painting or re-surfacing any existing, unpainted brick

structures and prior to covering or altering any of the existing signs painted on the building facades in this area.

- B. Prior to the preparation of final architectural or engineering drawings for all sites, buildings, structures, enclosures or appurtenances to be erected, constructed, converted, remodeled, altered or enlarged, and prior to the issuance of any building permit, the property owner shall submit the following for the Design Review Boards consideration:
1. An application for Design Review approval which includes the applicant's name, mailing address, location of property, legal description of property and other information deemed necessary by the Building ~~Inspector~~ **OFFICIAL (reference Article 7.9 "Building Official" of the Bisbee City Code)** and the Design Review Board.
 2. Adequate illustration of the building or structure's character and treatment to scale through elevations of the front, sides and rear of the building. The maximum heights of all structures shall be included.
 3. A site plan, to scale, showing area covered by the building or structure, parking areas, and landscaping treatment and any other information pertinent to understanding the application.
 4. A list of exterior materials. In case of a sign, the method of attachment.
 5. A copy of the assessor's map of the property.
 6. Photographs of the building and of neighboring structures, upon request from the Building ~~Inspector~~ **OFFICIAL**.
- C. Prior to the issuance of a building permit for any improvements within the District, the Building ~~Inspector~~ **OFFICIAL** shall determine that the Design Review Board has approved plans, as required herein, which are in substantial conformance to those presented with the building permit application. A building permit must be applied for within 1 year of approval by the Design Review Board, or otherwise, the applicant must resubmit to the Design Review Board. An application form signed by the chair of the Design Review Board showing the action taken will be kept in the Planning and Zoning Department files. A copy will be retained in the Building Inspection Files and a copy will be given to the applicant.
- D. The Design Review Board shall impose such conditions as it may deem necessary in order to fully carry out the provisions and intent of the historic district regulations.
- E. The Building ~~Inspector~~ **OFFICIAL** shall insure that all matters approved by the Design Review Board are undertaken and completed according to the approval of the Design Review Board. The Building ~~Inspector~~ **OFFICIAL** is authorized and required to stop any work attempted to be done without or contrary to the approval of the Design Review Board ~~and shall cite any violator into magistrate court.~~
- F. General applications must be received at City Hall no less than ~~ten~~ **FIFTEEN (15)** calendar days prior to the next regularly scheduled meeting of the Design Review Board in order to be presented at the next meeting. If the applicant fails to appear in person or

through a designated representative at the scheduled meeting, the Board may table the application to its next meeting or may consider the application if adequate information has been included.

- G. Certain applications for work that may have a greater potential to impact the character of the historic district shall require additional notification, to be completed by City staff, prior to presentation to the Design Review Board. These shall include the following proposed activities:
1. the construction of a new building or structure within the District, other than the construction of a sign, fence or wall;
 2. the demolition of any building or structure, other than minor storage facilities or accessory buildings;
 3. the increase of the height of any existing building; or
 4. any substantial modification to any building or structure that has been designated as having special significance or as a contributing structure within the District.

IN CASES THAT INVOLVE ANY OF THE ABOVE CONSIDERATIONS, THE APPLICATION PACKET MUST BE RECEIVED NO LESS THAN THIRTY (30) CALENDAR DAYS PRIOR TO THE DESIGN REVIEW BOARD HEARING.

Written notification of the application, including a description of the proposed action and a drawing depicting the proposed exterior elevations, must be mailed by first class mail to all property owners located within 300 feet of the subject property not less than fifteen (15) days prior to the Design Review Board hearing. The subject property must be posted with this same information for this same time period.

- H. Applications may be reviewed by the ~~Zoning Administrator~~ **DESIGN REVIEW BOARD STAFF LIAISON** and the Building ~~Inspector~~ **OFFICIAL** for recommendation to the Design Review Board. The ~~Zoning Administrator~~ **DESIGN REVIEW BOARD STAFF LIAISON** or the Building ~~Inspector~~ **OFFICIAL** may make a recommendation to the Design Review Board and shall advise the applicant of any such proposed recommendation prior to the meeting, if possible.

3.5.3 Criteria

In considering any application for Design Review approval, the Design Review Board shall be guided by the ~~Design Guidelines~~ **DEVELOPMENT STANDARDS FOR BISBEE, AZ HISTORIC DISTRICT** for the Bisbee Historic District and the Secretary of the Interior's Standards for the Treatment of Historic Properties and Standards for Rehabilitation.

3.5.4 Maintenance

Property owners of the historic district shall have the right and are encouraged to maintain their property. The Building ~~Inspector~~ **OFFICIAL** may approve a building permit without Design Review Board approval for any work that consists of nothing more than repair work where there will be no exterior change that will alter the character of the structure or where only similar replacement materials will be used. Repairs and improvements such as re-roofing, the replacement of windows, doors and stairs in the same locations, and the replacement of gutters, fencing, utility

connections, and other similar non-structural elements may also be directly authorized by the Building ~~Inspector~~ **OFFICIAL**. An Administrative Approval from the ~~Zoning Administrator~~ **DESIGN REVIEW BOARD STAFF LIAISON** must be obtained prior to the issuance of a building permit for any such work.

3.5.5 Demolition and Movement of Historic Buildings

The Design Review Board must approve all demolition permits and relocation permits for any significant part of any building in the Historic Preservation (HP) Overlay District. No permit shall be issued by the Building ~~Inspector~~ **OFFICIAL** until DRB approval. In making its' decision, the Design Review Board should determine whether and to what extent demolition or movement affects the structure in question or any contributing structure within the district as demolition and/or movement can have significant impact on the City in general. For permit approval the applicant must show that preserving the building is not physically and/or economically feasible. The DRB reserves the right to gain access to the structure to inspect it, in line with a demolition application. **HOWEVER, IF A STRUCTURE IS JUDGED BY THE BUILDING OFFICIAL TO BE A HAZARD TO PUBLIC SAFETY, THE BUILDING OFFICIAL MAY ORDER THE IMMEDIATE DEMOLITION OF THE BUILDING IN ACCORD WITH HIS CHARGE TO PROTECT THE PUBLIC HEALTH AND SAFETY. THE BUILDING OFFICIAL WILL NOTIFY THE DRB MEMBERS OF HIS DECISION.**

- A. Approval: The Design Review Board may recommend approval of the demolition or relocation permit if any of the following conditions exist:
 - 1. It is demonstrated that the structure is a deterrent to a major improvement program which will be of substantial community benefit
 - 2. A determination is made that a building or structure no longer presents an opportunity for feasible rehabilitation, which is arrived at after an on-site visit by a licensed contractor, structural engineer or architect experienced in historic preservation work. Any costs shall be borne by owner.
 - 3. The investment required to preserve or rehabilitate the structure could not be offset by the return on the property.
 - 4. The Design Review Board shall notify the Building Official that the demolition permit is approved. The Building Official may do the following:
 - a. Issue the permit, or,
 - b. Deny the permit based on other duly adopted and applicable ordinances or regulations.
- B. Denial: If preservation or rehabilitation is determined to be feasible, and if the structure has been designated as one having special significance or as a contributing property within the District, the Design Review Board shall deny the permit for demolition or movement of a structure.
- C. Demolition by Neglect: If a structure in the District is judged by the Building ~~Inspector~~ **OFFICIAL** to be in danger of falling into irreparable condition because of neglect, a Notice of Neglect will be sent to the Legal Owner(s) stating the conditions that must be

remedied. Within 60 days of such notice, the Owner(s) may request a public hearing before the DRB Board. The DRB Board may rescind or confirm all, or part of the Notice of Neglect based on information provided by the Owner(s). If the DRB confirms the Notice of Neglect or the Owner(s) fails to correct the conditions listed, the City of Bisbee will begin issuing violation notices and seek all remedies and penalties in accordance with Bisbee City Code.

3.5.6 Appeal

- A. Any applicant for Design Review Board approval or any other person that is dissatisfied or aggrieved by the decision of the Design Review Board may appeal the decision to the Board of Adjustment by filing a written Notice of Appeal with the ~~Community Development Director~~ **CITY CLERK'S OFFICE** no later than thirty (30) days from the date of the Design Review Board's decision. Any such Notice of Appeal shall include a detailed explanation of the basis of the appeal and copies of all documents which the appellant wishes to have the Board of Adjustment consider in any appeal.
- B. The Board of Adjustment shall review the decision of the Design Review Board and the record presented to it and may affirm, reverse, or modify any such decision. The appellant and any other aggrieved party, including members of the Design Review Board, may be heard in any appeal to the Board of Adjustment during the time scheduled for any such appeal.

ARTICLE 5 SPECIFIC PLAN ZONING

5.3 HP (Historic Preservation) Overlay Zone

5.3.1 Purpose

The Historic Preservation Overlay Zone or Historic District is intended to protect, preserve and enhance the City's character, historical significance and distinctive architecture. This zone enhances the City's general health, safety and welfare. The Historic Preservation Overlay Zone is superimposed over other zones. Land use zoning designations are defined ~~in Section 5.2~~ **IN THE ZONING CODE**, but the general regulations on lot area, width, depth, building height and setbacks do not apply within this District. The particular regulations for the Historic District are specified within the Special Provisions for the Historic District.

5.3.2 Special Provisions for the Historic District

A. Building Heights.

1. The maximum building height and size for a new or renovated commercial structure or multiple family residential structure shall be determined by the Design Review Board, based upon the heights and sizes of the surrounding properties and the public interest in maintaining compatible mass and scale within this District; the public interest in maintaining the public views of the District and surrounding mountainsides that could be impacted by a particular structure; and the public's overall interest in maintaining the compatible characteristics of the commercial areas within the District.

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2. The maximum building height for a new single family residential structure shall be twenty-three (23) feet, provided that the Design Review Board has the authority to increase or decrease this height limit by up to six (6) feet if the Board makes a specific finding that any such adjustment is consistent with the public interest in maintaining compatible mass and scale in the District; preserving the public views of the District and surrounding areas; and protecting the public interest in maintaining the compatible characteristics of the particular area, including the protection of access to air and light for adjacent properties.
 3. The maximum building height of an existing single family residential structure that is subject to remodeling, renovation or an addition shall be not more than the height of the existing structure or the height of a new single family residential structure, whichever is greater. If the standard for new structures is applicable, the Design Review Board may adjust this height in the same manner and based upon the same factors as are applicable to a new structure.
 4. The maximum building height of a new, remodeled, or renovated accessory building shall not typically be more than nineteen (19) feet. The Design Review Board may increase this height for an appropriate accessory use that is subordinate in size and scope to the primary structure, that is compatible in mass and scale with the structures in the immediate area of the District, and that is not inconsistent with the other public interests expressed in paragraph 2 above. In no event shall the height of an accessory structure be greater than twenty-nine (29) feet. The Design Review Board may also require a reduction in the proposed height below nineteen (19) feet, where such adjustment is warranted by these same factors. Any such adjustment, either up or down, shall require a specific finding by the Board explaining the reasons for any such adjustment.
 5. Each of these heights shall be measured along a vertical line from the lowest point of the grade abutting the building to a perpendicular line extended from the highest gross elevation of the structure.
 6. In the event that an applicant who is seeking to obtain approval for any increase in the maximum height of a structure may fail to provide sufficient information to allow the Design Review Board to make the required determinations, the Board, at its discretion, may table the application and require the applicant to provide additional information, in form of graphic design information or other means, which will provide a more complete depiction of the potential impacts of any such project.
- B. Set Backs.
1. The minimum set backs for a new single family residential structure or accessory building shall be not less than the following:
 - a. Front set back of not less than ten (10) feet.
 - b. Side set back of not less than five (5) feet.

- c. Rear set back of not less than ten (10) feet. Accessory structures may be located within three (3) feet of the rear lot line if this will not adversely impact the adjacent property.
 - d. Setbacks for Reconstruction may be determined by a previous building's footprint, in cases of fire or demolition.
2. In those areas in which there are established front or rear set backs for the existing developed properties within the same or adjacent blocks that are greater than or less than ten (10) feet, the Design Review Board may increase or decrease the front or rear set back for new structures as necessary to maintain the uniform characteristics of that particular street frontage.
- 3A. Renovations, repairs and additions to existing single family residential structures and accessory structures shall not reduce the existing set backs to less than what is required for new residential structures or to less than what currently exists, whichever is the lesser distance, unless the Design Review Board makes a specific finding that this construction will be consistent with the uniform characteristics, if any, of the adjacent properties and that any such reduction will not adversely impact adjacent properties.

B. FIRE SETBACKS AND FIRE SEPARATION REQUIREMENTS IN THE INTERNATIONAL BUILDING CODES PREVAIL.

C. Maximum Residential Building Size.

The maximum area within the exterior perimeter (the building footprint) of a new single family residential structure within the District shall be two thousand (2000) square feet. Existing structures shall not be remodeled or added to in a manner that increases the area of the structure beyond this limit unless the Design Review Board makes a specific finding that any such expansion is compatible with the mass, scale and shape of the of other properties in the immediate area and consistent with the interests to be protected by these regulations.

D. Division of Building Lots and Minimum Lot Size.

- 1. Within the District, the legal descriptions, sizes and shapes of existing, adjacent lots may be adjusted, re-described or corrected by sales or exchanges between the property owners without further approval provided that there is no net increase in the number of residential or commercial lots within the District.
- 2. The minimum lot size for any lawfully authorized and newly created building site, resulting from a split of another existing lot or parcel, within the District shall be not less than four thousand (4000) square feet.

5.3.3 Historic District Design Review Board

The intent of the Design Review process as applied within the Bisbee Historic District is to:

- A. Improve and encourage uses leading to the conservation and/or rehabilitation of buildings, structures, sites, objects and spaces within the Historic District, while allowing for a vibrant, creative and livable community.

- B. Encourage harmonious growth and orderly development.
- C. Assure that future setting, design and construction will correspond to and enhance the visual characteristics of the district.
- D. Prevent construction, alteration or remodeling from occurring in a manner that would be detrimental to the historical or visual characteristics of the district.

5.3.4 Criteria for Plan Evaluation

The historic and architectural characteristics of an alteration to an existing structure or of a proposed new structure shall:

- A. Properly preserve and/or generally conform to the character of the structures located with the district as defined in the ~~Design Guidelines~~ **DEVELOPMENT STANDARDS** for the Bisbee Historic Districts.
- B. Adhere to the “Secretary of the Interior’s Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring, and Reconstructing Historic Buildings”.

5.3.5 Historic District Criteria for Alterations/Secretary of Interior Guidelines

- A. Secretary of Interior Guidelines for Rehabilitation and their Interpretations
 - 1. Every reasonable effort shall be made to provide a compatible use for a property which requires minimal alterations of the building, structure, or site and its environment, or to use a property for its original intended use.
 - 2. The distinguishing original qualities or character of a building, structure or site, and its environment shall not be destroyed. The removal or alteration of any historic or distinctive architectural features should be avoided when possible.
 - 3. All buildings, structures, and sites shall be recognized as products of their own time. Alterations that have no historical basis and which seek to create an earlier appearance shall be discouraged.
 - 4. Changes which may have taken place in the course of time are evidence of the history and development of a building, structure, or site and its environment. These changes may have acquired significance in their own right, and this significance shall be recognized and respected.
 - 5. Distinctive stylistic features or examples of skilled craftsmanship which characterized a building, structure, or site, shall be treated with sensitivity.
 - 6. ~~Deteriorated architectural features shall be repaired rather than replaced, whenever possible. In the event of replacement is necessary, the new material should match the material being replaced in composition, design, color, texture, and other visual qualities. Repair or replacement of missing architectural features should be based on accurate duplications of features, substantiated by historic, physical pictorial evidence rather than on conjectural design or availability of different architectural elements from other building or structures. THE EXISTING CONDITIONS OF HISTORIC FEATURES WILL BE EVALUATED TO DETERMINE THE APPROPRIATE~~

LEVEL OF INTERVENTION NEEDED IN ACCORDANCE WITH THE FOLLOWING STANDARDS.

- a. **DETERIORATED ARCHITECTURAL FEATURES SHALL BE REPAIRED RATHER THAN REPLACED, WHENEVER POSSIBLE.**
 - b. **WHERE THE SEVERITY OF DETERIORATION REQUIRES REPAIR OR LIMITED REPLACEMENT OF A DISTRACTIVE FEATURE, THE NEW MATERIAL WILL MATCH THE OLD IN COMPOSITION, DESIGN, COLOR, TEXTURE, AND OTHER VISUAL QUALITIES.**
 - c. **REPAIR OR REPLACEMENT OF MISSING ARCHITECTURAL FEATURES SHOULD BE BASED ON ACCURATE DUPLICATIONS OF FEATURES, SUBSTANTIATED BY HISTORIC, PHYSICAL PICTORIAL EVIDENCE RATHER THAN ON CONJECTURAL DESIGN OR AVAILABILITY OF DIFFERENT ARCHITECTURAL ELEMENTS FROM OTHER BUILDING OR STRUCTURES.**
7. ~~The surface cleaning of structures shall be undertaken with the most gentle means possible. Sandblasting and other cleaning methods that will damage the historic building materials shall not be undertaken.~~ **RECONSTRUCTION MAY BE USED TO DEPICT VANISHED OR NON-SURVIVING PORTIONS OF A PROPERTY WHEN DOCUMENTARY AND PHYSICAL EVIDENCE IS AVAILABLE TO PERMIT ACCURATE RECONSTRUCTION WITH MINIMAL CONJECTURE, AND SUCH RECONSTRUCTION IS ESSENTIAL TO THE PUBLIC UNDERSTANDING OF THE PROPERTY.**
- a. **RECONSTRUCTION OF A LANDSCAPE, BUILDING, STRUCTURE, OR OBJECT IN ITS HISTORIC LOCATION SHALL BE PRECEDED BY A THROUGH ARCHEOLOGICAL INVESTIGATION TO IDENTIFY AND EVALUATE THOSE FEATURES AND ARTIFACTS WHICH ARE ESSENTIAL TO AN ACCURATE RECONSTRUCTION. IF SUCH RESOURCES MUST BE DISTRIBUTED, MITIGATION MEASURES SHALL BE UNDERTAKEN.**
 - b. **RECONSTRUCTION WILL INCLUDE MEASURES TO PRESERVE ANY REMAINING HISTORIC MATERIALS, FEATURES, AND SPATIAL RELATIONSHIPS.**
 - c. **RECONSTRUCTION SHALL BE BASED ON THE ACCURATE DUPLICATION OF HISTORIC FEATURES AND ELEMENTS SUBSTANTIATED BY DOCUMENTARY OR PHYSICAL EVIDENCE RATHER THAN ON CONJECTURAL DESIGNS OR THE AVAILABILITY OF DIFFERENT FEATURES FROM OTHER HISTORIC PROPERTIES. A RECONSTRUCTED PROPERTY SHALL RE-CREATE THE APPEARANCE OF THE NON-SURVIVING HISTORIC PROPERTY IN MATERIALS, DESIGN, COLOR, AND TEXTURE.**
 - d. **A RECONSTRUCTION WILL BE CLEARLY IDENTIFIED AS A CONTEMPORARY RE-CREATION.**
 - e. **BUILDING DESIGNS THAT WERE NEVER EXECUTED HISTORICALLY SHALL NOT BE CONSTRUCTED.**

8. ~~Every reasonable effort shall be made to protect and preserve archeological resources affected by or adjacent to any project.~~ **CHEMICAL OR PHYSICAL TREATMENTS SUCH AS SURFACE CLEANING OF STRUCTURES, IF APPROPRIATE, SHALL BE UNDERTAKEN USING THE GENTLEST MEANS POSSIBLE. SANDBLASTING AND OTHER CLEANING METHODS THAT MAY DAMAGE HISTORIC MATERIALS SHALL NOT BE USED.**
9. ~~Contemporary design for alterations and additions to structures shall be constructed so that, if the addition or alterations and additions do not destroy significant historical, architectural or cultural material. Also, if the design is compatible with the size, scale, material, and character.~~ **ARCHEOLOGICAL RESOURCES SHALL BE PROTECTED AND PRESERVED IN PLACE. IF SUCH RESOURCES MUST BE DISTRIBUTED, MITIGATION MEASURES SHALL BE UNDERTAKEN.**
10. **NEW ADDITIONS, EXTERIOR ALTERATIONS, OR RELATED NEW CONSTRUCTION SHALL NOT DESTROY HISTORIC MATERIALS, FEATURES, AND SPATIAL RELATIONSHIPS THAT CHARACTERIZE THE PROPERTY. THE NEW WORK SHALL BE COMPATIBLE WITH THE HISTORIC MATERIALS, FEATURES, SIZE, SCALE AND PROPORTION, AND MASSING TO PROTECT THE INTEGRITY OF THE PROPERTY AND ITS ENVIRONMENT WITHOUT IMITATING HISTORIC BUILDINGS. THIS ONLY APPLIES TO NEW ADDITIONS AND/OR EXTENSIONS ON EXISTING HISTORIC BUILDINGS.**
11. Whenever possible, additions or alterations to structures shall be constructed so that, if the addition or alteration is later removed, the essential form and integrity of the structure would be unimpaired.
- B. ~~New construction design shall be compatible with volume, mass, scale, color, material, and textures of the Bisbee Historic District.~~ **INFILL OR NEW CONSTRUCTION STANDARDS.**
 1. **NEW CONSTRUCTION SHOULD REFLECT A CONTEMPORARY STYLE WHILE HARMONIZING WITH THE CHARACTER OF HISTORIC PROPERTIES. NEW CONSTRUCTION SHALL NOT REPLICATE AN ARCHITECTURAL STYLE FROM A PREVIOUS PERIOD.**
 2. **NEW CONSTRUCTION DESIGN SHALL BE COMPATIBLE WITH VOLUME, MASS, SCALE, COLOR, MATERIAL, AND TEXTURES OF THE BISBEE HISTORIC DISTRICT.**
 3. **ENSURE COMPATIBILITY WITH OTHER CHARACTER-DEFINING FEATURES OF HISTORIC BUILDINGS IN THAT NEIGHBORHOOD THROUGH CAREFUL ATTENTION TO THE FOLLOWING ASPECTS OF A BUILDING.**
 - a) **ORIENTATION AND SIT LOCATION:**
 - b) **SCALE, PROPORTION, AND BUILDING MASS:**
 - c) **BUILDING COVERAGE/SQUARE FOOTAGE (INCLUDING COVERED PORCHES):**

- d) **ROOF SHAPE/ROOF SLOPES**
 - e) **PORCHES AND BALCONIES:**
 - f) **RHYTHM OF WINDOW AND DOOR OPENINGS:**
 - g) **MATERIALS, DECORATIVE FINISH DETAILS:**
 - h) **FOUNDATION TYPE: AND**
 - i) **GARAGE LOCATIONS, IF DETACHED.**
- C. Mobile homes shall not be permitted with **IN** the boundaries of the Bisbee Historic District
- D. Manufactured homes and modular buildings shall not be permitted within the Bisbee Historic District except upon a Design Review Board determination that the proposed structure is consistent with the ~~Design Guidelines~~ **DEVELOPMENT STANDARDS** and all applicable standards for this district.
- E. Fences, walls, or other physical features used to enclose open space or provide privacy shall be compatible with the architectural style of the subject property and compatible with other historic structures within the Historic District and reflect the historic period of the district.
- F. Any existing building, structure, or appurtenance thereto in the Bisbee Historic District which does not meet the requirements of the District's criteria shall be considered nonconforming except for repairs and maintenance. No nonconforming building or structure may be added to or altered in any way unless the proposed addition or alteration, **SUCH AS REMOVAL OF A MODERN ADDITION OR NON-HISTORICAL EXTERIOR WALL TREATMENTS**, ~~will~~ **SHALL** bring the whole to a higher degree of conformity with design components of the district.

5.3.6 Historic District Definitions

Within the Bisbee Historic District, the following words shall have the indicated meanings:

- A. **BOARD AND BATTEN: A TYPE OF EXTERIOR SIDING THAT HAS ALTERNATING WIDE BOARDS AND NARROW WOODEN BOARDS.**
- B. **BUILDING LOT: (AS DEFINED IN THE BISBEE ZONING CODE) LOTS SHALL MEAN A LEGALLY CREATED PARCEL OF LAND OCCUPIED OR INTENDED FOR OCCUPANCY BY ONE MAIN BUILDING TOGETHER WITH ITS ACCESSORY BUILDINGS, AND USES CUSTOMARILY INCIDENT TO IT, INCLUDING THE OPEN SPACES REQUIRED AND HAVING ITS PRINCIPAL FRONTAGE UPON A STREET.**
- C. **BUILDING OFFICIAL: CITY OF BISBEE BUILDING INSPECTOR OR THEIR DESIGNEE.**
- D. **CASEMENT WINDOW: WINDOW WITH HINGES AT ONE SIDE.**
- E. **CLAPBOARDS: NARROW BOARDS APPLIED HORIZONTALLY TO AN EXTERIOR WALL, EACH OF WHICH OVERLAPS THE ONE BELOW IT TO CREATE CONTINUOUS SKIN OVER THE WOODEN FRAME.**

- F. CLERESTORY: (ALSO CLEARSTORY, OR OVERSTORY) A WINDOW OR A BAND OF WINDOWS ACROSS THE TOP OF THE DISPLAY GLASS DESIGNED TO ADMIT MORE LIGHT INTO THE STORE'S INTERIOR. THE PURPOSE OF THE CLERESTORY IS TO GIVE LIGHT TO THE INNER SPACE OF A LARGE BUILDING. CLERESTORY IS ALSO DEFINED AS A WINDOW OR BAND OF WINDOWS ACROSS THE TOP OF THE DISPLAY GLASS DESIGNED TO ADMIT MORE LIGHT INTO A STORE INTERIOR WHICH IS OFTEN QUITE DEEP.**
- G. CONTRIBUTING STRUCTURE: ADDS TO THE HISTORICAL OR TRADITIONAL CULTURAL ASSOCIATIONS, HISTORICAL OR TRADITIONAL CULTURAL ASSOCIATIONS, HISTORIC ARCHITECTURAL QUALITIES, OR ARCHEOLOGICAL VALUES FOR WHICH A PROPERTY IS SIGNIFICANT BECAUSE IT WAS PRESENT DURING THE PERIOD OF SIGNIFICANCE, RELATES TO DOCUMENTED SIGNIFICANCE OF THE PROPERTY, AND POSSESSES HISTORICAL INTEGRITY OR IS CAPABLE OF YIELDING IMPORTANT INFORMATION ABOUT THE PERIOD; OR IT INDEPENDENTLY MEETS THE NATIONAL REGISTER CRITERIA.**
- H. CORNER BOARD: A WIDE (ABOUT 5") BOARD PLACED VERTICALLY AT THE CORNERS OF THE HOUSE OVER HORIZONTAL SIDING OR SHINGLES.**
- I. CORNICE MOLDING: A HORIZONTAL MOLDED PROJECTION THAT COMPLETES A BUILDING OR WALL.**
- J. DORMER WINDOW: A WINDOW AND WINDOW STRUCTURE THAT PROJECTS FROM THE SLOPE OF THE ROOF.**
- K. DOUBLE-HUNG WINDOW: WINDOW WITH TWO SASHES, ONE ABOVE THE OTHER, EACH OF WHICH SLIDES VERTICALLY.**
- L. EAVE: LOWER EDGE OF ROOF EXTENDING BEYOND THE EXTERIOR WALL.**
- M. ELEVATION: A VIEW OF A BUILDING SEEN FROM ONE SIDE.**
- N. FAÇADE: USUALLY THE FRONT EXTERIOR ELEVATION OR FACE OF A BUILDING.**
- O. FENCES: ANY STRUCTURE, NOT INTEGRAL TO ANY BUILDING, USED AS A BARRIER TO DEFINE BOUNDARIES SCREEN OFF, OR ENCLOSE A PORTION OF THE PROPERTY.**
- P. FRIEZE BOARDS: A WIDE (1X10 OR 1X12) BOARD NAILED ON TOP OF THE SIDING MATERIAL UNDERNEATH THE EAVE AT THE GABLE END OF THE HOUSE.**
- Q. GABLE: THE TRIANGULAR SECTION OF EXTERIOR WALL JUST UNDER THE EAVES OF A DOUBLE-SLOPED ROOF.**
- R. HIP ROOF: A ROOF WITH SLOPES IN THE DIRECTION OF EACH ELEVATION, COMMONLY IN FOUR DIRECTIONS.**
- S. HISTORIC DISTRICT DESIGN REVIEW BOARD: (ALSO "DESIGN REVIEW BOARD" OR BOARD" A BOARD CONSISTING OF SEVEN (7) VOLUNTEERS FROM THE OLD BISBEE COMMUNITY, APPOINTED BY THE CITY OF**

BISBEE, WITH THE AUTHORITY TO REVIEW APPLICATIONS FOR EXTERIOR CONSTRUCTION, RECONSTRUCTION, ALTERATIONS, OR STRUCTURAL CHANGES TO BUILDINGS WITHIN THE HISTORIC DISTRICT OVERLAY ZONE. FOLLOWING ITS REVIEW AND DELIBERATIONS AT REGULARLY SCHEDULED PUBLIC MEETINGS, THE BOARD IS AUTHORIZED TO APPROVE, APPROVE WITH CONDITIONS, OR DENY THE APPLICATIONS.

- T.** Historic site, structure, or landmark – a site or structure with special significance including attached signs which:
1. Is documented as dating from a particular significant period(s) in Bisbee's history;
 2. Is associated with the lives of historic people, significant historic events or occurrences;
 3. Exemplifies the architectural period in which it was built and has distinguishing characteristics of an architectural style or method of construction;
 4. Contributes information of archaeological, historical, cultural or social importance relating to the heritage of the community; and/or;
 5. Relates positively to buildings in the immediate vicinity in terms of scale, size, massing, etc., so that its removal would be an irreparable loss to the setting.
- H. HORIZONTAL BANDS: A BUILDING MAY HAVE A DECIDED NARROW AND VERTICAL LOOK WHICH IS COUNTERBALANCED BY THE INTRODUCTION OF HORIZONTAL BRICK BANDS AND HORIZONTAL CLERESTORY WINDOWS.**
- I.** Intrusion – a structure which detracts from the districts sense of time and place or its architectural continuity.
- J. MULTI-FAMILY RESIDENTIAL: A RESIDENTIAL STRUCTURE THAT IS DESIGNED TO HOUSE SEVERAL DIFFERENT FAMILIES IN SEPARATE HOUSING UNITS.**
- K. MUNTIN: WOOD PIECES SEPARATING PANES OF GLASS IN A WINDOW SASH.**
- L. NON-CONTRIBUTING STRUCTURE: DOES NOT ADD TO THE HISTORIC ARCHITECTURAL QUALITIES, HISTORICAL OR TRADITIONAL CULTURAL ASSOCIATIONS, OR ARCHEOLOGICAL VALUES FOR WHICH A PROPERTY IS SIGNIFICANT BECAUSE IT WAS NOT PRESENT DURING THE PERIOD OF SIGNIFICANCE OR DOES NOT RELATE TO THE DOCUMENTED SIGNIFICANCE OF THE PROPERTY; DUE TO ALTERATIONS DISTURBANCES, ADDITIONS, OR OTHER CHANGES, IT NO LONGER POSSESSES HISTORICAL INTEGRITY OR IS INCAPABLE OF YIELDING IMPORTANT INFORMATION ABOUT THE PERIOD; OR IT DOES NOT INDEPENDENTLY MEET THE NATIONAL REGISTER CRITERIA.**
- M. PILASTER: A SLIGHTLY-PROJECTING COLUMN BUILT INTO OR APPLIED TO THE FACE OF A WALL. MOST COMMONLY FLATTENED OR**

RECTANGULAR IN FORM, PILASTERS CAN ALSO TAKE A HALF ROUND FORM TO THE SHAPE OF ANY TYPE OF COLUMN.

- N. PITCH OF ROOF: THE ANGLE OF A ROOF SLOPE, EXPRESSED IN A RATIO OF VERTICAL TO HORIZONTAL.**
- O. PRESERVATION: THE ACT OR PROCESS OF APPLYING MEASURES NECESSARY TO SUSTAIN THE EXISTING FORM, INTEGRITY, AND MATERIALS OF AN HISTORIC PROPERTY. WORK, INCLUDING PRELIMINARY MEASURES TO PROTECT AND STABILIZE THE PROPERTY, GENERALLY FOCUSES UPON THE ONGOING MAINTENANCE AND REPAIR OF HISTORIC MATERIALS, AND FEATURES RATHER THAN EXTENSIVE REPLACEMENT AND NEW CONSTRUCTION. NEW EXTERIOR ADDITIONS ARE NOT WITHIN THE SCOPE OF THIS TREATMENT; HOWEVER, THE LIMITED AND SENSITIVE UPGRADING OR MECHANICAL, ELECTRICAL, AND PLUMBING SYSTEMS AND OTHER CODE-REQUIRED WORK TO MAKE PROPERTIES FUNCTIONAL IS APPROPRIATE WITHIN A PRESERVATION PROJECT.**
- P. RECONSTRUCTION: THE ACT OF PROCESS OF DEPICTING, BY MEANS OF NEW CONSTRUCTION, THE FORM, FEATURES, AND DETAILING OF A NON-SURVIVING SITE, LANDSCAPE, BUILDING, STRUCTURE, OR OBJECT FOR THE PURPOSE OF REPLICATING ITS APPEARANCE AT A SPECIFIC PERIOD OF TIME AND IN ITS HISTORIC LOCATION.**
- Q. REHABILITATION: THE ACT OR PROCESS OF MAKING POSSIBLE A COMPATIBLE USE FOR A PROPERTY THROUGH REPAIR, ALTERATIONS, AND ADDITIONS WHILE PRESERVING THOSE PORTIONS OR FEATURES WHICH CONVEY ITS HISTORICAL, CULTURAL, OR ARCHITECTURAL VALUE.**
- R. REPOINTING (OF MASONRY): THE REPLACING OF MORTAR BETWEEN THE BRICKS AND STONES. THIS SHOULD BE DONE WITH COMPATIBLE MORTAR.**
- S. RESTORATION: PROCESS OF ACCURATELY DEPICTING THE FORM, FEATURES, AND CHARACTER OF A PROPERTY AS IT APPEARED AT A PARTICULAR PERIOD OF TIME BY MEANS OF THE REMOVAL OF FEATURES FROM OTHER PERIODS IN ITS HISTORY AND RECONSTRUCTION OF MISSING FEATURES FROM THE RESTORATION PERIOD. THE LIMITED AND SENSITIVE UPGRADING OF MECHANICAL, ELECTRICAL, AND PLUMBING SYSTEMS AND OTHER CODE-REQUIRED WORK TO MAKE PROPERTIES FUNCTIONAL IS APPROPRIATE WITHIN A RESTORATION PROJECT.**
- T. SHED ROOF: A SINGLE PITCHED ROOF.**
- U. SHINGLE SIDING: THIN PIECES OF WOOD, BUTT END IS THICKER THAN THE OTHER, ATTACHED IN OVERLAPPING COURSES, SOMETIMES CUT IN ROUNDED OR OTHER DECORATIVE SHAPE.**
- V. SINGLE-FAMILY RESIDENTIAL: A RESIDENTIAL STRUCTURE THAT MAY BE FULLY DETACHED, SEMI-DETACHED, A ROW HOUSE OR A**

TOWNHOME. IF ATTACHED, IT MUST BE SEPARATED FROM THE ADJACENT UNIT BY A GROUND-TO-ROOF WALL. UNITS MUST NOT SHARE HEATING OR AIR CONDITIONING SYSTEMS OR UTILITIES, NOR HAVE UNITS LOCATED ABOVE OR BELOW.

W. SINGLE-HUNG WINDOW: WINDOW WITH TWO (2) SASHES, ONE ABOVE THE OTHER THE LOWER OF WHICH SIDES VERTICALLY.

X. STREET: (AS DEFINED IN THE BISBEE ZONING CODE) STREET SHALL MEAN A DEDICATED PUBLIC OR PRIVATE PASSAGEWAY WHICH AFFORDS A PRINCIPAL MEANS OF ACCESS TO ABUTTING PROPERTY.

Y. TRANSOM: IS THE HORIZONTAL LINTEL OR BEAM ACROSS A WINDOW, DIVIDING IT INTO STAGES OR HEIGHTS. IT ALSO CAN REFER TO A FIXED WINDOW OVER A DOOR OR ANOTHER WINDOW.

5.3.7 CHOOSING THE MOST APPROPRIATE TREATMENT FOR A BUILDING

A. CHOOSING THE MOST APPROPRIATE TREATMENT FOR A BUILDING REQUIRES CAREFUL DECISION-MAKING ABOUT A BUILDINGS HISTORICAL SIGNIFICANCE SHALL TAKE INTO ACCOUNT THE FOLLOWING CONSIDERATIONS:

1. RELATIVE IMPORTANCE IN HISTORY: IS THE BUILDING A NATIONALLY SIGNIFICANT RESOURCE-A RARE SURVIVOR OR THE WORK OF A MASTER ARCHITECT OR CRAFTSMAN? DID AN IMPORTANT EVENT TAKE PLACE IN IT? NATIONAL HISTORIC LANDMARKS, DESIGNATED FOR THEIR "EXCEPTIONAL SIGNIFICANCE IN AMERICAN HISTORY" OR MANY BUILDINGS INDIVIDUALLY LISTED IN THE NATIONAL REGISTER OF HISTORIC PLACES OFTEN WARRANT PRESERVATION OR RESTORATION. BUILDINGS THAT CONTRIBUTE TO THE SIGNIFICANCE OF A HISTORIC DISTRICT BUT ARE NOT INDIVIDUALLY LISTED IN THE NATIONAL REGISTER MORE FREQUENTLY UNDERGO REHABILITATION FOR A COMPATIBLE NEW USE.

2. PHYSICAL CONDITION: WHAT IS THE EXISTING CONDITION-OR-DEGREE OF MATERIAL INTEGRITY-OF THE BUILDING PRIOR TO WORK? HAS THE ORIGINAL FORM SURVIVED LARGELY INTACT, OR HAS IT BEEN ALTERED OVER TIME? ARE THE ALTERATIONS AN IMPORTANT PART OF THE BUILDING'S HISTORY? PRESERVATION MAY BE APPROPRIATE IF DISTINCTIVE MATERIALS, FEATURES, AND SPACES ARE ESSENTIALLY INTACT AND CONVEY THE BUILDING'S HISTORICAL SIGNIFICANCE. IF THE BUILDING REQUIRES MORE EXTENSIVE REPAIR AND REPLACEMENT, OR IF ALTERATIONS OR ADDITIONS ARE NECESSARY FOR A NEW USE, THEN REHABILITATION IS PROBABLY THE MOST APPROPRIATE TREATMENT. THESE KEY QUESTIONS PLAY MAJOR ROLES IN DETERMINING WHAT TREATMENT IS SELECTED.

3. **PROPOSED USE: AN ESSENTIAL, PRACTICAL QUESTION TO ASK IS; WILL THE BUILDING BE USED AS IT WAS HISTORICALLY OR WILL IT BE GIVEN A NEW USE? MANY HISTORIC BUILDINGS CAN BE ADAPTED FOR NEW USES WITHOUT SERIOUSLY DAMAGING THEIR HISTORIC CHARACTER, SPECIAL-USE PROPERTIES SUCH AS GRAIN SILOS, FORTS, ICE HOUSES, OR WINDMILLS MAY BE EXTREMELY DIFFICULT TO ADAPT TO NEW USES WITHOUT MAJOR INTERVENTION AND A RESULTING LOSS OF HISTORIC CHARACTER AND EVEN INTEGRITY.**

4. **MANDATED CODE REQUIREMENTS: REGARDLESS OF THE TREATMENT, CODE REQUIREMENTS WILL NEED TO BE TAKEN INTO CONSIDERATION. BUT IF HASTILY OR POORLY DESIGNED, A SERIES OF CODE-REQUIRED ACTIONS MAY JEOPARDIZE A BUILDING'S MATERIALS AS WELL AS ITS HISTORIC CHARACTER.**

a) **MODIFICATIONS TO THE HISTORIC APPEARANCE SHOULD BE MINIMAL.**

b) **ABATEMENT OF LEAD PAINT AND ASBESTOS WITHIN HISTORIC BUILDINGS REQUIRES PARTICULAR CARE SO THAT IMPORTANT HISTORIC FINISHES ARE NOT ADVERSELY AFFECTED.**

c) **ALTERATIONS AND NEW CONSTRUCTION NEED TO MEET ACCESSIBILITY REQUIREMENTS UNDER THE AMERICANS WITH DISABILITIES ACT OF 1990; SHOULD BE DESIGNED TO MINIMIZE MATERIAL LOSS AND VISUAL CHANGE TO A HISTORIC BUILDING.**

5.3.8 IDENTIFYING THE FORM AND DETAIL OF RELEVANT DEFINING FEATURES

A. **IDENTIFY THE FORM AND DETAIL OF THOSE ARCHITECTURAL MATERIALS AND FEATURES THAT ARE IMPORTANT IN DEFINING THE BUILDING'S HISTORIC CHARACTER AND WHICH MUST BE RETAINED IN ORDER TO PRESERVE THAT CHARACTER, INCLUDED, BUT NOT LIMITED TO:**

1. **THE FORM AND DETAILING OF EXTERIOR MATERIALS, SUCH AS MASONRY, WOOD, AND METAL;**
2. **EXTERIOR FEATURES, SUCH AS ROOFS, PORCHES, AND WINDOWS;**
3. **INTERIOR MATERIALS, SUCH AS PLASTER AND PAINT;**
4. **INTERIOR FEATURES, SUCH AS MOLDINGS AND STAIRWAYS, ROOM CONFIGURATION AND SPATIAL RELATIONSHIPS;**
5. **STRUCTURAL AND MECHANICAL SYSTEMS; AND**
6. **THE BUILDING'S SITE AND SETTING.**

5.3.9 TYPES OF ALTERATIONS

A. **ALTERATIONS BEING PRESENTED FORMALLY TO THE DESIGN REVIEW BOARD ARE DIFFERENTIATED BASED ON THE SPECIFIC CLASSIFICATION OF THE BUILDING OR STRUCTURE UNDER CONSIDERATION AS BEING:**

1. **CONTRIBUTING;**

2. NON-CONTRIBUTING;

3. NEW CONSTRUCTION

5.3.10 GARAGE DOORS IN THE HISTORIC DISTRICT

GARAGE DOORS ARE DEFINING ELEMENTS IN THE FACADES OF HISTORIC BUILDINGS, WHETHER THERE IS ONE SINGLE LARGE DOOR OR A SERIES OF DOORS CREATING A RHYTHM ACROSS A BUILDING ELEVATION. INAPPROPRIATE REPLACEMENT OF THESE DOORS DETRACTS FROM THE HISTORIC CHARACTER OF THE ENTIRE BUILDING.

A. RETAINING THE HISTORIC GARAGE DOORS IS ALWAYS PREFERABLE. HOWEVER, DURING REHABILITATION OF ADAPTIVE PROJECTS, NEW REPLACEMENT DOORS MAY BE NECESSARY AS THEIR FUNCTIONAL USE CHANGES, FROM VEHICULAR TO PEDESTRIAN ACCESS. THE DESIGN OF REPLACEMENT DOORS SHALL:

1. MAINTAINING THE CHARACTER OF THE HISTORIC BUILDINGS AS WELL AS MATCH IN SIZE THAT WHICH THEY REPLACE.

2. IN THE CASE WHERE HISTORIC DOORS HAVE ALREADY BEEN REPLACED WITH INAPPROPRIATE INFILL, ANY NEW TREATMENTS SHALL BE COMPATIBLE WITH THE HISTORIC CHARACTER OF THE BUILDING.

B. HISTORIC BUILDINGS WITH A SINGLE GARAGE DOOR OPENING:

1. PRESERVE THE EXISTING DOORS, RECREATING A NEW UNIT BASED ON HISTORIC PHOTOGRAPHS, OR

2. INCORPORATE NEW COMPATIBLE CONTEMPORARY GARAGE DOORS THAT PRESERVE THE ORIGINAL CHARACTER OF THE BUILDING.

C. HISTORIC BUILDINGS WITH MULTIPLE GARAGE DOOR OPENINGS:

1. PRESERVE THE EXISTING DOORS, RECREATING A NEW UNIT BASED ON HISTORIC PHOTOGRAPHS, OR

2. INCORPORATE NEW COMPATIBLE CONTEMPORARY GARAGE DOOR TREATMENTS THAT PRESERVE THE ORIGINAL CHARACTER OF THE BUILDING WHILE PROVIDING THE OPENNESS SOUGHT.

D. ADDING VEHICULAR ENTRANCES AND GARAGE DOORS TO HISTORIC BUILDINGS.

REHABILITATING HISTORIC BUILDINGS SOMETIMES REQUIRES USING PART OF THE INTERIOR FOR PARKING. SUCH AN ALTERATION CAN HAVE A MAJOR IMPACT ON A BUILDING THAT WAS NEVER INTENDED FOR SUCH USE. IT CAN ALSO RESULT IN LOSS OF HISTORIC FABRIC IF IT REQUIRES CUTTING AN OPENING FOR A GARAGE DOOR. FOR MOST HISTORIC BUILDINGS, THIS IS NOT A COMPATIBLE REHABILITATION TREATMENT.

HISTORIC BUILDINGS IN WHICH IT MAY BE POSSIBLE TO CONVERT A PORTION OF THE INTERIOR FOR PARKING WITHOUT NEGATIVELY IMPACTING THEIR

HISTORIC CHARACTER MODIFYING AN INTERIOR SPACE FOR PARKING THAT HAS NOT BEEN USED FOR PARKING PREVIOUSLY SHALL CONFORM TO THE FOLLOWING:

- 1. EVALUATE THE CHARACTER AND CONDITION OF THE INTERIOR SPACE. ONLY SOME INDUSTRIAL OR COMMERCIAL SPACES OR PREVIOUSLY ALTERED SPACES WHICH ARE BASICALLY DEVOID OF CHARACTER-DEFINING FEATURES AND FINISHES MAY BE SUITABLE TO ADAPT FOR PARKING.**
- 2. IF THE HISTORIC BUILDING INTERIOR MEETS THESE CRITERIA PROVIDED IN (1) ABOVE, EVALUATE THE EXTERIOR TO DETERMINE IF A GARAGE DOOR CAN BE ADDED WITHOUT A SIGNIFICANT LOSS OF HISTORIC BUILDING MATERIAL AND WITHOUT ADVERSELY IMPACTING THE CHARACTER OF THE EXTERIOR.**
- 3. A GARAGE DOOR MAY BE ADDED ONLY ON A SECONDARY ELEVATION, PROVIDED THAT THE DESIGN FOR THE GARAGE DOOR REFLECTS THE HISTORIC PERIOD AND ARCHITECTURAL STYLE OF THE HISTORIC BUILDING MATERIAL AND IS COMPATIBLE WITH THE CHARACTER OF THE HISTORIC BUILDING.**

5.3.11 WALLS, FENCES AND COURTYARD WALLS IN THE HISTORIC DISTRICT

- A. FENCES AND GATES ARE AN EXTENSION OF THE ARCHITECTURE OF THE HOUSE. THE MATERIAL AND STYLE SHOULD BE COMPATIBLE WITH THE HOUSES AND THE FENCE SHOULD BE PROPORTIONATE TO THE HOUSE. ADDITIONS SUCH AS FENCES SHOULD BE COMPATIBLE WITH THE SIZE, SCALE, MATERIAL, AND CHARACTER OF THE PROPERTY, NEIGHBORHOOD, OR ENVIRONMENT.**
- B. COURTYARD WALLS ATTACHED TO HISTORIC BUILDINGS SHALL BE CONSIDERED PART OF THE HISTORIC BUILDING AND REQUIRE APPROVAL.**
- C. THE FOLLOWING REHABILITATION STANDARDS APPLY TO THE WALLS AND FENCES:**
 - 1. NEW ADDITIONS, EXTERIOR ALTERATIONS, OR RELATED NEW CONSTRUCTION SHALL NOT DESTROY HISTORIC MATERIALS THAT CHARACTERIZE THE PROPERTY. THE NEW WORK SHALL BE DIFFERENTIATED FROM THE OLD AND SHALL BE COMPATIBLE WITH THE MASSING, SCALE, AND ARCHITECTURAL FEATURES TO PROTECT THE HISTORIC INTEGRITY OF THE PROPERTY AND ITS ENVIRONMENT.**
 - 2. NEW ADDITIONS AND ADJACENT OR RELATED NEW CONSTRUCTION SHALL BE UNDERTAKEN IN SUCH A MANNER THAT IF REMOVED IN THE FUTURE, THE ESSENTIAL FORM AND INTEGRITY OF THE HISTORIC PROPERTY AND ITS ENVIRONMENT.**
 - 4. REGARDING THE DESIGN QUALITIES OF FRONT YARD WALL/FENCES, SUCH CONSTRUCTION SHALL MEET THE SECRETARY OF INTERIOR'S STANDARDS FOR REHABILITATION.**

5.3.12 ILLUMINATION AND LIGHTING IN THE HISTORIC DISTRICT

- A. IF ORIGINAL LIGHTING FIXTURES ARE PRESENT, THESE SHOULD BE PRESERVED AND REPAIRED.**
- B. IF ORIGINAL FIXTURES ARE NOT PRESENT, PERIOD LIGHTING MAY BE INSTALLED WITH SPECIAL ATTENTION PAID TO CHOOSING FIXTURES THAT ARE APPROPRIATE TO THE HISTORICAL PERIOD OF THE BUILDING AS WELL AS THE STYLE AND SCALE OF THE BUILDING AND THE ELEMENT TO WHICH IT IS ATTACHED. .**
- C. NEW FIXTURES SHOULD BE ATTACHED IN A MANNER THAT AVOIDS DAMAGE TO HISTORIC MATERIALS.**
- D. INCANDESCENT LIGHTS ARE PREFERRED BECAUSE OF THEIR WARMTH, EFFECT ON COLOR, AND NON-GLARING QUALITIES.**
- E. LIGHTING SHALL NOT ADVERSELY AFFECT NEIGHBORING BUILDINGS, PEDESTRIANS, OR AUTOMOBILE TRAFFIC.**

ARTICLE 6 GENERAL PROVISIONS

6.4 Walls and Fences

Walls and fences shall meet the following requirements, and shall be subject to the requirements of Section 6.2, as applicable:

- A. On property zoned R or RM, Residential, walls and fences:
 - 1. Shall not exceed four (4) feet in height in the front yard and in that portion of the side yard that is between the front lot line and a parallel line extended from the front of the main building to the side lot line.
 - 2. Shall not exceed six (6) feet in height in the remaining portion of the side yard and rear yard.
 - 3. Shall not obstruct the view within the sight triangle as needed for viewing intersecting traffic on corner lots.
- B. On property zoned C and M, Commercial and Manufacturing, walls and fences:
 - 1. Shall not exceed eight (8) feet in height.
 - 2. Are required for screening on the side and rear property lines where commercial and industrial uses are adjacent to residential districts, and shall be constructed of masonry, wood, or slatted chain link fencing or approved landscaping, as necessary to be sight-obscuring, and shall be maintained in this condition. Screening fences shall not be less than six (6) feet in height and may be required to be up to eight (8) feet in height, if necessary to effectively screen the adjacent residential properties, under the particular circumstances.
 - 3. Shall be set back sufficiently from the property lines on corner lots to avoid interference with the sight triangle as needed for viewing intersecting traffic on corner lots.

C. SCREENS:

- 1. THE PURPOSE IS TO PROVIDE AN OPPORTUNITY FOR RECREATIONAL COURTS AS ACCESSORY USES IN PUBLIC USE AND/OR COMMERCIAL HISTORIC DISTRICT, TO PROTECT THE INTEGRITY OF NEIGHBORING PUBLIC USE AND/OR COMMERCIAL AREAS, AND TO MITIGATE ANY DELETERIOUS IMPACTS ON PROXIMATE PROPERTIES.**

SCREENS: A FIXED OR MOVABLE UPRIGHT PARTITION USED TO DIVIDE A ROOM, GIVE SHELTER FROM DRAFTS, HEAT, OR LIGHT, OR TO PROVIDE CONCEALMENT OR PRIVACY.

- 1. EMPLOY SCREENS WHICH CAN BE STORED OUT-OF-SIGHT WHEN NOT IN USE.**
- 2. DESIGN SCREENS TO MINIMIZE IMPACT TO THE APPEARANCE OF THE EXISTING BUILDINGS.**
- 3. DO NOT INSTALL PERMANENT SCREENS THAT BLOCK THE VIEW OF HISTORIC FACADES OR BLOCK SIGNIFICANT VIEW CORRIDORS.**
- 4. DO NOT INSTALL SCREENS THAT IMPACT NATURAL LIGHT TO NEIGHBORING PROPERTIES.**
- 5. SCREENS SHALL NOT EXCEED SIX (6) FEET ABOVE THE SURFACE THAT THEY PROTECT.**
- 6. THERE SHALL NOT BE ANY ADVERTISING ON SCREENS**

D. Parks, Utilities, and Government Maintenance Yards

1. Open fencing not to exceed eight (8) feet in height may be placed around parks, utilities, and government maintenance yards for security and safety.

6.13 Community Gardens

C. Criteria for a Community Garden

- A. The height of fences and walls surrounding the garden shall not exceed six (6) feet and shall be subject to the general rules of this Code applicable to walls and fences if any such walls or fences are located within a sight triangle, on or near a roadway intersection. Cyclone, chain link, poultry netting and other similar modern fencing may be used for these purposes in the Historic District, provided that for properties located within this District, the owner must remove any fencing that does not comply with the applicable ~~Design Guidelines~~ **DEVELOPMENT STANDARDS** within 60 days after the site ceases to be used as a Community Garden.

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 Bisbee Historic Preservation Overlay District, the installation of solar energy devices on the roofs of existing or permitted buildings, no higher than six (6) 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. Applications for permits to install solar devices within the Bisbee Historic District, which are proposed to be installed in a manner that is consistent with those Design Principles stated below, which can be reasonably met under the particular circumstances, as determined by the Building ~~Inspector~~ **OFFICIAL**, shall be subject to compliance with all applicable building and safety codes, and shall not require any additional form of public review. The following Design Principles are intended to minimize the adverse impact of any such development on the special characteristics that are 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?

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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?
 10. Do not exceed a height of more than six (6) feet above the roof surface, measured from the mounting location; or, if the device is not mounted on a roof, have a cumulative foot print or total surface collection area in excess of six hundred (600) square feet or a maximum height more than ten (10) feet above the existing grade.
- D. 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~~ **OFFICIAL** 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.
- E. The following criteria will determine whether or not a particular solar device installation will be subject to additional public notice and 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 six (6) 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 six hundred (600) square feet or a maximum height of more than ten (10) feet above the existing grade; or

3. for applications for projects within the Bisbee Historic District, the Building ~~Inspector~~ **OFFICIAL** has determined that the application is not consistent with the Design Principles in paragraph C above.
- F. If the public notice process is applicable, the applicant must present to the Building ~~Inspector~~ **OFFICIAL** 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~~ **OFFICIAL** 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 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. The date and time of the public hearing scheduled for this application. For applications for projects located within the Bisbee Historic District, the hearing shall be scheduled before the Design Review Board. For all other applications, the hearing shall be scheduled before the Planning and Zoning Commission.
- H. If a public hearing is required, a meeting will be scheduled 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 designated public body 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 public body 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; 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.

6.17 Accessory Dwelling Units (ADU)

- C. Administrative Guidelines:
New construction of Accessory Dwelling Units requires a City building permit and must meet current building code regulations as well as all applicable City of Bisbee Zoning Code regulations and in the Historic Preservation Overlay Zone the ~~Design Guidelines~~ **DEVELOPMENT STANDARDS** for the Bisbee Historic District.

ARTICLE 7 SIGN REGULATIONS

~~7.5 Historical Preservation Overlay District Sign Regulations~~ **HISTORIC PRESERVATION OVERLAY DISTRICT SIGNS, PUBLIC ART AND WATER HARVESTING REGULATIONS**

~~Applications for non-exempt signs to be installed and maintained within the Historic District must first be submitted to the Design Review Board for a determination by that Board that the proposed sign or signs are consistent with the regulations of this Code and the Design Guidelines, as applicable to the Historic District. The Design Review Board has the authority to provide design approval for sign applications which are consistent with the requirements of this Article, subject to the general limitations associated with each respective zoning district. The Design Review Board shall also make a recommendation to the Planning and Zoning Commission for the approval, disapproval, or modification of any special use application for a sign within the Historic District. The Design Review Board has the authority to impose additional limitations or requirements upon the signs to be installed or maintained within the Historic District as necessary to ensure that such~~

~~signs are consistent with the Design Guidelines and the regulations adopted to protect this area and are compatible with the existing development within this district. Signs that are out of proportion or scale to the existing development within the district, that are to be illuminated in a manner that would not be consistent with the color, lettering or techniques of lighting that were prevalent in the historic period of the district, or that employ technology that would be out of place in the district will not be permitted.~~

7.5.1 HISTORIC PRESERVATION OVERLAY DISTRICT SIGNS REGULATIONS

- A. APPLICATIONS FOR NON-EXEMPT SIGNS TO BE INSTALLED AND MAINTAINED WITHIN THE HISTORIC DISTRICT MUST FIRST BE SUBMITTED TO THE DESIGN REVIEW BOARD FOR A DETERMINATION BY THE BOARD THAT THE PROPOSED SIGN OR SIGNS ARE CONSISTENT WITH THE REGULATIONS OF THE CITY OF BISBEE ZONING CODE AND THESE DEVELOPMENT STANDARDS, AS APPLICABLE FOR A SIGN WITHIN THE HISTORIC DISTRICT.**
- B. THE DESIGN REVIEW BOARD HAS THE AUTHORITY TO PROVIDE DESIGN APPROVAL FOR SIGN APPLICATIONS WHICH ARE CONSISTENT WITH THE REQUIREMENTS OF THIS ARTICLE, SUBJECT TO THE GENERAL LIMITATIONS ASSOCIATED WITH EACH RESPECTIVE ZONING DISTRICT.**
- C. THE DESIGN REVIEW BOARD SHALL ALSO MAKE A RECOMMENDATION TO THE PLANNING AND ZONING COMMISSION FOR THE APPROVAL, DISAPPROVAL, OR MODIFICATION OF ANY SPECIAL USE APPLICATION FOR A SIGN WITHIN THE HISTORIC DISTRICT.**
- D. THE DESIGN REVIEW BOARD HAS THE AUTHORITY TO IMPOSE ADDITIONAL LIMITATIONS OR REQUIREMENTS UPON THE SIGNS TO BE INSTALLED OR MAINTAINED WITHIN THE HISTORIC DISTRICT AS NECESSARY TO ENSURE THAT SUCH SIGNS ARE CONSISTENT WITH THESE DEVELOPMENT STANDARDS AND THE REGULATIONS ADOPTED TO PROTECT THIS AREA AND ARE COMPATIBLE WITH THE EXISTING DEVELOPMENT WITHIN THIS DISTRICT.**
- E. SIGNS THAT ARE OUT OF PROPORTION OR SCALE TO THE EXISTING DEVELOPMENT WITHIN THE DISTRICT, THAT ARE TO BE ILLUMINATED IN A MANNER THAT WOULD NOT BE CONSISTENT WITH THE COLOR, LETTERING OR TECHNIQUES OF LIGHTING THAT WERE PREVALENT IN THE HISTORIC PERIOD OF THE DISTRICT, OR THAT EMPLOY TECHNOLOGY THAT WOULD BE OUT OF PLACE IN THE DISTRICT WILL NOT BE PERMITTED.**
- F. THE DESIGN REVIEW BOARD WILL REVIEW ALL SIGN APPLICATIONS. HOWEVER, FOR THOSE SIGNS THAT CLEARLY COMPLY WITH THE STATED REQUIREMENTS, THESE REQUESTS COULD BE ELIGIBLE FOR ADMINISTRATIVE APPROVAL.**
- G. IN ADDITION TO ANY APPLICABLE SIGN REQUIREMENT WITHIN THE CITY OF BISBEE ZONING CODE, THE FOLLOWING DEVELOPMENT STANDARDS APPLY TO SIGNS INSIDE THE HISTORIC DISTRICT.**

1. **SIGNS IMPLYING THAT SOMETHING HISTORIC WAS THERE AND THEREFORE CREATING A FALSE SENSE OF HISTORY ARE PROHIBITED**
 2. **BOTH REPLACING AND/OR MOVING SIGNS WITHIN THE HISTORIC DISTRICT REQUIRE A NEW DESIGN REVIEW APPLICATION PROCESS.**
 3. **IF NEW SIGNS ARE DESIGNED, THEY SHOULD BE OF A SIZE AND STYLE COMPATIBLE WITH THE HISTORIC BUILDING AND SHOULD NOT COVER OR OBSCURE SIGNIFICANT ARCHITECTURAL ELEMENTS OR FEATURES.**
 4. **SIGNS SHALL NOT CONCEAL ARCHITECTURAL DETAIL, CLUTTER THE BUILDING'S IMAGE, OR DISTRACT FROM THE UNITY OF THE FAÇADE, BUT RATHER SHOULD COMPLEMENT THE OVERALL DESIGN.**
 5. **SIGN MATERIALS SHALL COMPLIMENT THE MATERIALS OF THE RELATED BUILDING.**
 6. **WALL SIGNS SHALL NOT DETRACT FROM OR CONFLICT WITH THE RELATED STRUCTURE'S AGE AND DESIGN.**
 7. **NO FAÇADE SHALL BE DAMAGED IN THE APPLICATION OF SIGNS.**
 8. **ON MASONRY BUILDINGS, FASTENERS MUST BE USED ONLY IN MORTAR, NOT IN THE MASONRY ITSELF.**
 9. **INTERNALLY ILLUMINATED SIGNS, NEON "OPEN" SIGNS AND FLASHING OR BLINKING LIGHTS WILL NOT BE APPROVED.**
 10. **BUILDING DIRECTORIES ARE ENCOURAGED FOR MULTI-TENANTED BUILDINGS, RATHER THAN INDIVIDUAL SIGNS FOR EACH BUSINESS.**
- H. **AS THE SAME WITH SIGNS, NEON SHOULD WORK WITH THE BUILDING THAT IT IS BEING APPLIED TO. THE NEON APPLIED SHOULD BE OF CLASSIC GLASS OR CLASSIC COLORS (GREEN, RED, BLUE, YELLOW, FOR EXAMPLE) AND GARISH COLORS ARE NOT ALLOWED. THIS INCLUDES EXCESSIVE SIGNAGE SUCH AS BEER SIGNS IN WINDOWS. THIS EFFECTS THE LIGHTING OR ILLUMINATION IN A HISTORIC DISTRICT.**

ALTHOUGH NEON WILL DIM IN TIME, THE INTENSITY OF THE NEON SHOULD BE KEPT AT A MINIMUM BY LIMITING THE TRANSFORMER TO 20 MILLIAMPS.

AN APPLICATION OF NEON SHALL BE TREATED THE SAME WAY AS SIGNS; IT COULD OVERPOWER DISTINCTIVE FEATURES OF A HISTORIC BUILDING INSTEAD OF ENHANCING.

7.5.2 HISTORIC PRESERVATION OVERLAY DISTRICT PUBLIC ART AND MONUMENTS REGULATIONS

- A. **PUBLIC ART AND MONUMENTS WITHIN THE HISTORIC DISTRICT SHALL REQUIRE AN APPLICATION FOR PUBLIC ART AND MONUMENTS, AND SHALL CONFORM TO THE FOLLOWING STANDARDS:**

1. HISTORIC CHARACTER OF THE DISTRICT SHOULD BE RETAINED AND PRESERVED.
2. DISTINCTIVE FEATURES OF HISTORIC BUILDINGS SHALL BE RETAINED AND PRESERVED.
3. DETERIORATED HISTORIC FEATURES SHALL BE REPAIRED RATHER THAN REPLACED.
4. TREATMENTS THAT CAN CAUSE DAMAGE TO HISTORIC FEATURES OF A BUILDING OR THAT DO NOT REFLECT THE HISTORIC CHARACTER OF THE NEIGHBORHOODS IN WHICH THEY ARE LOCATED SHALL BE AVOIDED.
5. SIGNIFICANTLY ALTERING THE CHARACTER OF HISTORIC BUILDINGS WITH ART IS STRICTLY PROHIBITED WITHIN THE HISTORIC DISTRICT.
6. EXISTING HISTORIC BUILDINGS INCLUDING ART THAT SIGNIFICANTLY ALTERS, CONCEALS ANY BUILDING OR STRUCTURE'S HISTORIC FEATURES, MATERIALS, DESIGN ELEMENTS AND/OR THE CHARACTER OF THE HISTORIC DISTRICT ARE DECLARED NON-CONFORMING. ANY FUTURE ALTERATION AND/OR MODIFICATION OF THE BUILDING USE OR EXTERIOR SHALL CONFORM TO ALL APPLICABLE STANDARDS AND CODES AND SHALL REQUIRE THAT ANY ART FORM THAT CONCEALS AND/OR SIGNIFICANTLY ALTERS THE CHARACTER OF SUCH BUILDING BE REMOVED PRIOR TO DESIGN REVIEW BOARD APPROVAL AND PRIOR TO THE APPLICATION FOR ANY BUILDING PERMIT.

7.5.3 HISTORIC PRESERVATION OVERLAY DISTRICT WATER HARVESTING REGULATIONS

THE CITY OF BISBEE IS LOCATED IN A SEMI-ARID REGION, NEAR THE BOUNDARIES OF THE CHIHUAHUA AND SONORA DESERTS. THIS IS AN AREA OF LIMITED AVAILABLE WATER RESOURCES WHICH PERIODICALLY EXPERIENCES LONG-TERM DROUGHTS. SIGNIFICANT PORTIONS OF THE CITY OF BISBEE ARE WITHIN THE UPPER SAN PEDRO WATERSHED AND THE CITY DERIVES ITS DOMESTIC WATER FROM THIS AREA. THE CITY OF BISBEE RECOGNIZES THAT THE CONTINUING USE OF THE LIMITED WATER RESOURCES WITHIN THIS AREA WILL HAVE AN IMPACT UPON BOTH THE GROUNDWATER AND SURFACE WATER RESOURCES OF THIS AREA, AND IN PARTICULAR UPON THE VIABILITY OF THE SAN PEDRO RIVER. THE CITY AND ITS CITIZENS FURTHER RECOGNIZE THAT THEY HAVE AN OBLIGATION TO USE AND TO MANAGER THESE WATER RESOURCES WISELY AND IN A MANNER THAT WILL SUSTAIN THESE RESOURCES FOR FUTURE GENERATIONS. PRUDENT USE OF THE AVAILABLE WATER RESOURCES IS NECESSARY TO PROTECT THE HEALTH, SAFETY, AND WELL-BEING OF THIS COMMUNITY AND TO AVOID POTENTIAL CONFLICTS WITH APPLICABLE FEDERAL LAW.

THE CITY OF BISBEE ZONING CODE INCLUDES THE CITY WATER CONSERVATION PROGRAM. THE WATER CONSERVATION PROGRAM IS INTENDED TO APPLY ON A MULTI-FACETED BASIS TO FULFILL THESE PURPOSES. IT INCLUDES ELEMENTS THAT ARE INTENDED TO LIMIT THE IMPACTS OF NEW AND ADDITIONAL WATER USES IN THIS AREA IN A REASONABLE MANNER, TO APPLY APPROPRIATE REGULATIONS THAT WILL IMPROVE THE EFFICIENCY OF NEW AND REMODELED FACILITIES AND TO ENCOURAGE THE CITIZENS OF BISBEE TO ENGAGE IN CONSERVATION PRACTICES, BASED UPON AN EDUCATION PROGRAM.

HISTORICALLY, WATER CONSERVATION WAS A PART OF DAILY LIFE. CISTERNS COLLECTED RAINWATER AND WATER WAS REUSED. MODERN GREY WATER RECYCLING SYSTEMS EVOLVED FROM TRADITIONAL WATER CONSERVATION METHODS. IN ADDITION TO COMPLYING WITH ALL APPLICABLE REQUIREMENTS PROVIDED IN ARTICLE 12: WATER CONSERVATION PROGRAM OF THE CITY OF BISBEE ZONING CODE, WATER HARVESTING METHODS, TECHNIQUES AND FEATURES WITHIN THE HISTORIC DISTRICT SHALL COMPLY WITH THE FOLLOWING STANDARDS.

- A. WATER HARVESTING SHALL NOT SIGNIFICANTLY ALTER OR CONCEAL ANY BUILDING OR STRUCTURE'S HISTORIC FEATURES, MATERIALS, DESIGN ELEMENTS AND/OR THE CHARACTER OF THE HISTORIC DISTRICT.**
- B. EFFICIENT IRRIGATION SYSTEMS UTILIZED TO CONSERVE WATER OR TO RECYCLE "GREY" WATER OR WATER OR RAINWATER SHALL NOT CONCEAL OR ALTER ANY BUILDING OR STRUCTURE'S FEATURES, MATERIALS, DESIGN ELEMENTS AND/OR THE CHARACTER OF THE HISTORIC DISTRICT.**