

**ORDINANCE O-23-10**

**AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF BISBEE, COUNTY OF COCHISE, STATE OF ARIZONA, AMENDING ZONING CODE ARTICLE 9.2 - DEFINITIONS, BY ADDING THE DEFINITION OF "PARCEL COVERAGE," AMENDING ARTICLE 5.2 - R ZONE RESIDENTIAL, BY ADDING THE MAXIMUM PARCEL PERCENTAGE FOR LOT COVERAGE FOR NEW CONSTRUCTION TO TABLES 5.2 AND 5.2.3.A, AND AMENDING ARTICLE 5.3.1 - PURPOSE, TO EXCLUDE SUCH REQUIREMENTS FROM THE HISTORIC OVERLAY DISTRICT; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE.**

**WHEREAS**, the City of Bisbee ("City") Zoning Code serves to secure the social, physical, and economic advantages of the citizens of Bisbee; and,

**WHEREAS**, the City's Planning and Zoning Commission develops and recommends ordinances to the City Council for carrying out plans, goals, and objectives related to the growth, development, and redevelopment of the City; and,

**WHEREAS**, to preserve the unique beauty of the City and encourage growth, the Planning and Zoning Commission approved the recommendation of a proposed amendment to Zoning Code, Article 9, adding the definition of "Parcel Coverage," and Article 5, adding the "Maximum Parcel Percentage for Lot Coverage for New Construction," (collectively the "Amendment"); and

**WHEREAS**, it is in the best interest of the City and its citizens to adopt the Amendment; and,

**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 City of Bisbee Zoning Code, Article 9 – Definitions, Article 5.2 – R Zone Residential and Article 5.3.1 – Purpose are hereby amended by: (1) adding the following definition of "Parcel Coverage" and renumbering the Definitions section accordingly; (2) amending Tables 5.2 and 5.2.3.A to include lot coverage percentages; and (3) amending the Historic Overlay District to exclude such amendments: such amendments as follows with additions in all capital letters:

**Article 9.2 Definitions**

**94. PARCEL COVERAGE SHALL MEAN THE TOTAL GROUND AREA, WITHIN ANY PARTICULAR PARCEL, COVERED BY THE PRIMARY STRUCTURES PLUS GARAGES AND CARPORTS AND OTHER ACCESSORY STRUCTURES, WHICH ARE GREATER THAN THIRTY-SIX INCHES ABOVE GROUND LEVEL EXCLUDING FENCES AND WALLS NOT ATTACHED IN ANY WAY TO THE ROOF.**

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Article 5.2 R Zone (Residential)

Table 5.2– R Zone Regulations  
(in feet, unless noted otherwise)

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**MAXIMUM PARCEL PERCENTAGE FOR LOT COVERAGE  
MAXIMUM LOT COVERAGE APPLIES TO ANY RESIDENTIAL DEVELOPMENT IN  
THE “R” ZONES FOR ALL NEW CONSTRUCTION**

R ZONE (RESIDENTIAL)	R-1	R-2	R-3	RM
MAXIMUM LOT COVERAGE (PERCENT OF TOTAL LOT AREA)	40%	45%	50%	70%

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

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**MAXIMUM PARCEL PERCENTAGE FOR LOT COVERAGE  
MAXIMUM LOT COVERAGE APPLIES TO ANY COMMERCIAL DEVELOPMENT IN  
THE “C” ZONES FOR ALL NEW CONSTRUCTION**

C ZONE (COMMERCIAL)	C-1	C-2	C-3	C-4
MAXIMUM LOT COVERAGE (PERCENT OF TOTAL LOT AREA)	40%	45%	50%	55%

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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, but the general regulations on lot area, **PARCEL COVERAGE**, 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.

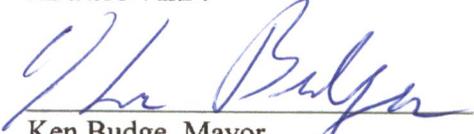
**Section 2.** Providing For Repeal of Conflicting Ordinances. All ordinances and parts of ordinances in conflict with the provisions of this Ordinance or any part of the Zoning Code adopted herein by reference are hereby repealed.

**Section 3.** 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 decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions.

**Section 4.** 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 20<sup>th</sup> day of June, 2023.

**APPROVED:**

  
Ken Budge, Mayor

**ATTEST:**

  
Ashlee Coronado, City Clerk

**APPROVED AS TO FORM:**

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