

WHEN RECORDED, RETURN TO:

City of Bisbee  
Attn: Ashlee Coronado, City Clerk  
76 Erie Street  
Bisbee, Arizona 85603

**ORDINANCE 0-23-12**

**AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF BISBEE, COCHISE COUNTY, ARIZONA APPROVING A CHANGE OF ZONING AND AMENDMENT TO THE OFFICIAL ZONING MAP TO REZONE APN 102-16-079, 102-16-080 AND 102-16-081, OWNED BY TODD CONKLIN, FROM MANUFACTURED HOME RESIDENTIAL (RM) TO COMMERCIAL (C-4).**

**WHEREAS**, by adoption of this Ordinance, the Mayor and Council of the City of Bisbee (the "City Council") desire to amend the Official Zoning Map of the City of Bisbee (the "City") to rezone certain real property Assessor Parcel Numbers 102-16-079, 102-16-080 AND 102-16-081, unaddressed parcels, located adjacent to 1008 W. Highway 92, Bisbee Arizona, as more fully legally described in Exhibit A, attached hereto and incorporated herein by reference, from Manufactured Home Residential (RM) to Commercial (C-4) (hereinafter the "Property"); and,

**WHEREAS**, all required public notice was provided, and all required public meetings and hearings were held, in accordance with applicable state and local laws; and,

**WHEREAS**, on June 15, 2023, the City of Bisbee Planning and Zoning Commission held a public hearing to consider the Application by Todd Conklin for Conklin Electrical, ETC., LLC to rezone the Property from RM to C-4; and,

**WHEREAS**, during the public hearing, the public had an opportunity to be heard and planning staff offered a report to the Planning and Zoning Commission; and,

**WHEREAS**, the Planning and Zoning Commission voted 3/2 to recommend the approval of the application for rezoning; and,

**WHEREAS**, on July 5, 2023, the Council held a duly noticed public hearing on the requested rezoning; and,

**WHEREAS**, in accordance with Article II, Sections 1 and 2 of the Constitution of Arizona, the City Council has considered the individual property rights and personal liberties of the residents of the City before adopting this Ordinance; and,

**WHEREAS**, in accordance with A.R.S. § 462.01, the City Council has considered the

probable impact of this Ordinance on the cost to construct housing for sale or rent.

**NOW, THEREFORE, BE IT ORDAINED** by the Mayor and Council of the City of Bisbee, County of Cochise, State of Arizona, that the zoning map for the City of Bisbee shall be amended as follows:

**Section I:** The recitals above are hereby incorporated as if fully set forth herein.

**Section II:** The Official Zoning Map of the City of Bisbee is hereby amended and the zoning classification of Assessor Parcel Numbers 102-16-079, 102-16-080 AND 102-16-081, unaddressed parcels, Bisbee, Arizona, 85603 (the "Property"), is hereby changed from Manufactured Home Residential (RM) to Commercial (C-4)

**Section III:** All Property Owners/Developers of the subject Property shall execute a waiver of any claim for diminution of value under Proposition 207, in a form approved by the City Attorney. All present and future owners of the subject Property shall develop the Property in accordance with the requirements of the Commercial (C-4) established herein, together with all other applicable City of Bisbee City Code and Zoning Code requirements.

**Section IV:** The City Manager is directed, upon the effective date of this Ordinance, to cause the Official Zoning Map to reflect the amendment as applicable to the subject Property, indicating the zoning is subject to compliance with the stipulations and limitations provided herein.

**Section V:** The Mayor, the City Manager, the City Clerk, and the City Attorney are hereby authorized and directed to take all steps necessary to carry out the purpose and intent of this Ordinance.

**PASSED, APPROVED AND ADOPTED** by the Mayor and Council of the City of Bisbee on this 18<sup>th</sup> day of July, 2023.

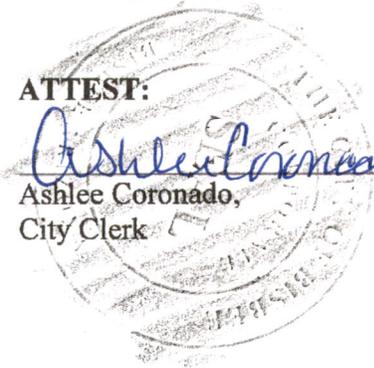


Ken Budge, Mayor

**ATTEST:**



Ashlee Coronado,  
City Clerk



**APPROVED AS TO FORM:**



Joseph D. Estes,  
City Attorney

**EXHIBIT "A"**  
**TO ORDINANCE NO. O-23-12**

**(Legal Description of the Properties)**

PARCEL I: (102-16-079)

The surface to a depth of 40.00 feet of lots 1 through 9 inclusive, 22 through 30 inclusive, Block N HEDBERG TOWNSITE, according to Book 1 of Maps, page 4, records of Cochise County, Arizona.

PARCEL II: (102-16-080)

The surface to a depth of 40.00 feet of lots 1 through 30 inclusive, Block O HEDBERG TOWNSITE, according to Book 1 of Maps, Page 4 records of Cochise County, Arizona.

PARCEL III: (102-16-081)

The surface to a depth of 40.00 feet of lots 1 through 30 inclusive, Block P, HEDBERG TOWNSITE, according to Book 1 of Maps, page 4, records of Cochise County, Arizona.