

ORDINANCE O-24-16

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF BISBEE, COUNTY OF COCHISE, STATE OF ARIZONA, AMENDING THE ZONING CODE OF THE CITY OF BISBEE, BY AMENDING ARTICLE 6 “GENERAL PROVISIONS”, SECTION 6.15 “SOLAR ENERGY DEVICES” PROVIDING FOR ADMINISTRATIVE APPROVAL; PROVIDING FOR THE REPEAL OF CONFLICTING ORDINANCES; AND PROVIDING FOR SEVERABILITY.

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 develop and recommend ordinances to the City Council for carrying out plans, goals, and objectives related to growth, development, and redevelopment of the City; and,

WHEREAS, on March 6, 2024, the City of Bisbee Design Review Board held a meeting to consider an amendment to Article 6 General Provisions, Section 6.15 Solar Energy Devices and voted unanimously to forward the proposed amendment to the Planning and Zoning Commission for consideration; and,

WHEREAS, on April 18, 2024, the City of Bisbee Planning and Zoning Commission held a public hearing to consider the proposed amendment and voted unanimously to recommend the proposed amendment to Mayor and Council for approval; and,

WHEREAS, on 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, the City has considered the impact this Zoning Code text amendment may have on housing as provided for in the attached Zoning Housing Impact Form, attached hereto as Exhibit “A” and incorporated herein; and,

WHEREAS, it is in the best interest of the City and its citizens to adopt the amendment to Zoning Code, Article 6 General Provisions, Section 6.15 Solar Energy Devices.

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 6 General Provisions, Section 6.15 Solar Energy Devices is hereby amended with all the additions in all CAPS and deletions in strikethrough as set forth below:

ARTICLE 6 GENERAL PROVISIONS

6.15 SOLAR ENERGY DEVICES

...

- 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 Official, shall be subject to compliance with all applicable building and safety codes, and shall not require any additional form of public review AND CAN BE GIVEN ADMINISTRATIVE APPROVAL. 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, PUBLIC RIGHT-OF-WAY, 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?

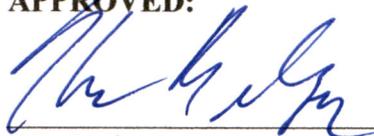
9. ENSURE THAT SOLAR PHOTOVOLTAIC PANELS MOUNTED ON THE FACE OF A PITCHED ROOF, WHICH CAN BE SEEN FROM THE PUBLIC RIGHT-OF-WAY, IF PANELS ARE MOUNTED FLUSH WITH THE ROOF AND THE VISIBLE PORTION OF THE PANELS DOES NOT PROJECT BEYOND SIX (6) INCHES, MEASURED PERPENDICULARLY, FROM ANY POINT ON THE ROOF, AND THE PANELS ARE NOT MOUNTED WITHIN SIX (6) INCHES OF ANY EDGE OF THE ROOF (AND THE PANELS DO NOT HANG OVER THE ROOF).
- 9 10. 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~~ 11. 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.

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 or any part of the Zoning Code adopted herein by reference, 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 thereof.

PASSED, APPROVED AND ADOPTED by the Mayor and Council of the City of Bisbee on this 21st day of May, 2024.

APPROVED:

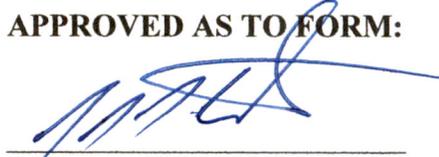


Ken Budge, Mayor

ATTEST:


Ashlee Coronado, City Clerk

APPROVED AS TO FORM:



Joseph D. Estes, City Attorney

EXHIBIT "A"

A.R.S. § 9-462.01 HOUSING IMPACT STATEMENT

Ordinance No. 24-16

General estimate of the ordinance's probable impact on the average cost to construct housing for sale or rent.

The proposed language to the Solar Energy Devices in the Historic District does not impact on the average cost to construct housing for sale or rent as a result of this zoning code text amendment.

Describe any data or reference material on which the ordinance is based.

Council Bluffs Administrative Approval Policy for Exterior Modifications to Locally Historic Landmarks, Sites and Districts.

Salt Lake City Zoning Text Amendment Historic Preservation Overlay Districts.
Ann Arbor Historic District Commission Design Guidelines for Solar Panels and Related Appurtenances.

City of Hartford Guidelines for Solar on Historic Properties.

Describe any less costly or less restrictive alternative methods of achieving the ordinance's purpose.

None.