

ORDINANCE O-25-01

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF BISBEE, COUNTY OF COCHISE, STATE OF ARIZONA, DECLARING THE FOLLOWING DOCUMENT A PUBLIC RECORD: 2025 ZONING OVERLAY CODE AMENDMENT; AMENDING ZONING CODE ARTICLE 5 – SPECIFIC PLAN ZONING, BY ADDING SECTION 5.4 INFILL RESIDENTIAL OVERLAY ZONE (IR); AND 5.5 MIXED-USE COMMERCIAL INFILL OVERLAY (MU); PROVIDING A HOUSING IMPACT STATEMENT FOR THE ZONING CODE TEXT AMENDMENT; 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 5, adding section 5.4 “Infill Residential Overlay Zone (IR)” and 5.5 “Mixed-Use Commercial Infill Overlay (MU)” (collectively the “Amendment”); and,

WHEREAS, the City has considered the impact this Zoning Code text amendment may have on housing; 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. That certain document entitled “Zoning Overlay Code Amendment,” attached hereto as Exhibit “A,” three copies of which are to remain on file in the office of the City Clerk, is hereby declared to be a public record and said copies are to remain on file with the City Clerk,

Section 2. The City of Bisbee Zoning Code, Article 5 – Specific Plan Zoning, is hereby amended by (1) adding section 5.4 Infill Residential Overlay Zone (IR) and (2) adding section 5.5 Mixed-Use Commercial Infill Overlay (MU), as provided for in the attached Exhibit “A” and the maps attached as Exhibit “B.”

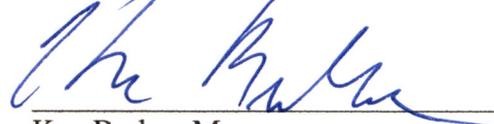
Section 3. Housing Impact Statement. The City has considered the impact this Zoning Code text amendment may have on housing as provided for in the attached Zoning Housing Impact Form, attached hereto as Exhibit “C” and incorporated herein.

Section 4. 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 5. 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 4th day of March, 2025.

APPROVED:


Ken Budge, Mayor

ATTEST:


Ashlee Coronado, City Clerk

APPROVED AS TO FORM:


Joseph D. Estes, City Attorney

EXHIBIT “A”

“2025 Zoning Overlay Code Amendment”

5.4 Infill Residential Overlay Zone (IR):

5.4.1 Purpose. The purpose of the Zoning Overlay Bisbee is to encourage and facilitate the building of affordable housing and preserve open and natural space and maintain Bisbee’s eclectic character and align with the Bisbee General Plan policies. These flexible design strategies can increase housing supply and support creative and compact housing developments, allow for neighborhood infill, encourage walkability and community interaction, and enhance neighborhood character within proximity of existing utilities, transit lines, and amenities. This overlay retains existing zoning while adding tailored rules to meet the area’s unique goals.

This overlay allows a small amount of commercial development that has a minimum impact on the surrounding area and serves the neighborhood. This encourages small-scale entrepreneurship and will maintain compatibility with the surrounding residential areas. Residents can easily access goods and services without needing to travel far from their homes, thus mitigating traffic congestion.

5.4.2 Conditions

A mixed use/infill development designation cannot modify items related to requirements of the Uniform Building Codes, Uniform Fire Codes, Engineering Standards and State Health Laws.

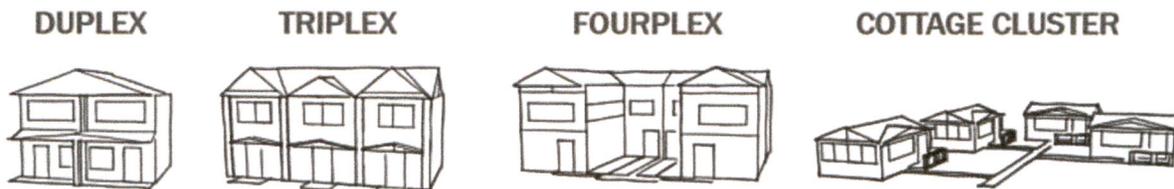
5.4.3 Permitted Uses. All zones within the Overlay Zones shall have the following uses to allow greater flexibility of development:

- (a) All the land uses permitted by the underlying zoning.
- (b) Zero-lot line housing is permitted within a parcel, provided it follows the standards of the adopted International Residential Code regarding Zero Lot line Exterior Wall Element standards and can be subdivided into zero lot line following setbacks adjacent to neighboring properties.

Table 5.4.3 Residential Uses allowed in the IR and MU zones (See conditions below)

Lot Size (in square feet)	Between 2,500 and 4,000	Between 2,500 and 4,000	4,000 Square feet and above
One Family Dwelling	X	X	X
Two Family Dwelling/ Duplex	X	X	X
Apartment Houses		X	X
Manufactured Home	X	X	X
Triplex, Fourplex	X	X	X
Cottage Cluster	X	X	X
Townhouse	X	X	X
Artist Live-work space	X	X	X

The Use Matrix.



Visualization of some allowed uses in the overlay.

Limitations for manufactured homes/manufactured tiny homes are as follows:

- a. On parcels between 2,500 and 2,999 square feet, a maximum of 1 (one) manufactured home is allowed. For parcels between 3,000 and 3,999 square feet, a maximum of 2 (two) manufactured homes are allowed.
- b. For parcels between 4,000 and 6,000 square feet, a maximum of 4 (four) manufactured homes are allowed.
- c. For parcels 6,000 square feet and larger, a maximum of six (6) manufactured homes are allowed.
- d. All manufactured homes shall follow the standards for the RM Zone (See section RM zone).

Limitations for cottage clusters/tiny homes are as follows:

- a. On parcels between 2,500 and 5,999 square feet, cottage cluster will be limited to 4 units.
- b. On parcels between 6,000 and 10,000 square feet, cottage cluster minimums will be 4 (four) units, and maximums will be 8 units.
- c. On parcels from 10,000 to 21,500 square feet, consult with the Building Official. A Site Plan may be necessary for more than 8 units.

Limitations for Triplex and Fourplexes are as follows:

- a. On all parcel sizes, the building footprint for any development shall not exceed seventy percent (70%) of the lot size.
- b. The building footprint is defined as the area of the structure that occupies the ground surface. Square footage located on a second story shall not be included in the calculation of the building footprint.
- c. The building height is limited to 2 (two) stories or 30 feet.
- d. A residential structure 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 fire-resistant wall. Consult with the building inspector for the specifications. Units must not share heating or air conditioning systems or utilities.

Table 5.4. IR Zone Regulations -Dimensions
(in feet, unless noted otherwise)

Lot Area (In Square feet)	Min. Lot Width	Min. Lot Depth	Min. Front Setback	Min. Side Setback	Min. Rear Setback	Max Building Height
2,500-4,000	30	70	10	5	5	30
4,001-6,000	30	70	10	5	5	30
6,001 and higher	30	70	10	5	5	30

See 6.2 Height Limitations for Corner Lots.

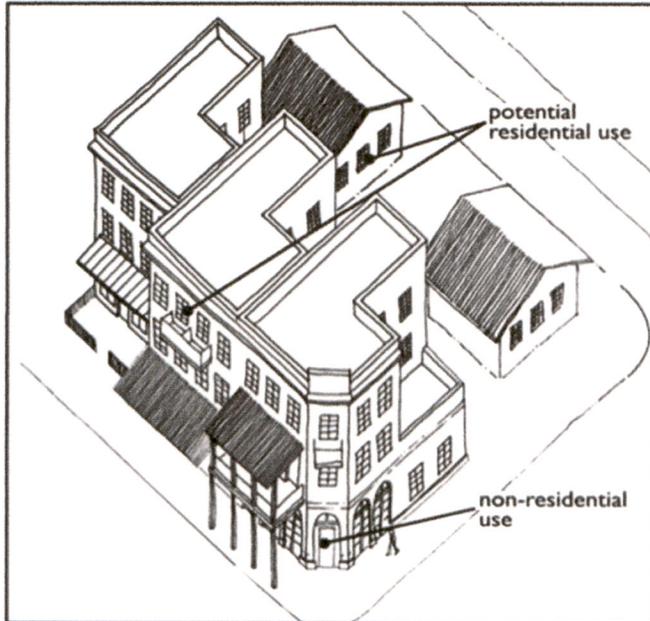
Design Objective. Provide building setbacks that ensure buildings and streetscapes are designed at a pedestrian scale and allow for flexibility.

Allowed commercial uses in the IR Zone: Small neighborhood markets, cafés, small restaurants, hair salons, and anything meeting day-to-day needs that can be deemed compatible with the neighborhood.

5.5 Mixed-Use Commercial Infill Overlay (MU):

A. Purpose. The General Plan promotes a compact development pattern in the San Jose growth area by encouraging mixed-use and infill development of underutilized parcels. This approach integrates residential, commercial, and institutional uses nearby, fostering pedestrian-oriented spaces, reducing traffic, supporting local commerce, and providing more housing options, including affordable housing. All of which preserves the region’s natural environment, livability, and sense of community. Mixed-use areas permit higher land-use intensities than single-use zones to achieve these goals.

B. Mix of Uses. A mixed-use development combines residential and nonresidential uses on the same site, with residential units either above (vertical) or behind street-fronting nonresidential uses (horizontal), as specified in this section. Examples are shown in the Figure below.



An example of vertical mixed-use, with commercial on the ground floor and residential above. Note: residential can be behind, as well as parking.

5.5.1 Design Considerations. A mixed-use development shall be designed to achieve the following objectives:

1. The design shall provide for internal compatibility between the residential and nonresidential uses on the site.
2. Potential glare, noise, odors, traffic, and other potential nuisance conditions for residents shall be minimized to allow a compatible mix of residential and nonresidential uses on the same site.
3. The design shall take into consideration existing and potential future uses on adjacent properties and shall include specific design features to minimize potential impacts.
4. The design shall ensure that the residential units are of a residential character, and that appropriate privacy between residential units and other uses on the site is provided.
5. Site planning and building design shall provide for convenient pedestrian access from streets, courtyards, plazas, and walkways.
6. Site planning and building design shall be compatible with and enhance the design standards for the City of Bisbee.
7. Mixed-use development may incorporate two uses.
8. If any one of the uses of the mixed-use development requires the approval of a Special use permit, then the development in its entirety shall be subject to the conditional use permit (see Section 3.2 Special Use Permits).

Table 5.5.2: Site Layout and Development Design Standards

Pedestrian-Oriented Commercial Space	<p>(1) Pedestrian-oriented commercial space may include a lobby serving other uses in the building or uses not open to the general public (e.g., a private gymnasium).</p> <p>(2) Ground-floor commercial space shall have a customer entrance opening directly onto the sidewalk.</p> <p>(3) Development must include a design that enhances pedestrian connectivity and encourages proximity of housing to amenities.</p>
Location of Residential Units ¹	Residential units may be placed above or behind commercial units.
Parking	To encourage the development of residential uses in existing and new commercial areas, the use of shared parking provisions may be incorporated into mixed-use developments. Parking shall be placed behind the structure to create continuity of the street and maintain a pedestrian scale.
Loading Areas	Commercial loading areas shall be located away from residential units and screened from view from the residential portion of the development to the maximum extent feasible.
Refuse and Recycling Areas	Areas for the collection and storage of refuse and recyclable materials shall be located on the site in locations that facilitate waste collection.
Common Space/Private Space	A mixed-use development shall be designed to provide residential uses with common space or private space, which may be in the form of roof gardens, individual balconies, or other means as approved by the Site Planning Committee or Building Inspector or Planner.
End Notes	
<p>1. Site Planning Committee Review:</p> <p>a. Specific uses and associated requirements for development projects may be subject to review and negotiation through the Site Planning Committee, as part of the site plan approval process.</p>	

Table 5.5.3 MU Zone Regulations for commercial and residential.
(In feet, unless noted otherwise)

Division	Min. Lot Area (SF)	Min. Lot Width	Min. Lot Depth	Min. Front Setback	Min. Side Setback	Min. Rear Setback	Max Building Height
MU	N/A	30	70	0	0	0	40

All lots shall have access for firefighting apparatus based on the adopted Bisbee Fire Code.

5.5.4 Allowable MU Zone uses:

Any residential, office, retail, restaurant, coffee shop, corner store, day-care center, recreational and educational facilities, small-scale retail, nurseries, physical fitness centers, community and fraternal clubs, libraries and governmental offices, grocery stores, cocktail lounges and taverns, theaters, bowling alleys, museums, hotels and motels, and personal service use that serves the day-to-day needs of the residents of the surrounding area.

5.5.5 Parking and Garages:

- Parking should be placed behind the structure to create continuity of the street and maintain a pedestrian scale.
- Individual parking plans to allow parking space reductions may apply on an individual basis.
- Shared parking is allowed and can be used to meet parking requirements.
- Shared parking areas shall be designed to be clearly separate from any private unit, such as through the use of landscaping or signage.
- Shared parking can be located up to 350 feet walking distance to the housing unit it serves.
- Private garages or parking lots should not be the dominant visual element of development.

5.5.6 Sewer infrastructure in Overlay Zones:

If a development is within 300 feet of an existing sewer line, the property must connect to the municipal sewer system.

5.5.7 Septic System Requirements:

- a. For properties reliant on a septic system, the maximum number of dwelling units permitted shall be determined based on the capacity of the parcel to support a septic system, the capacity as determined by an evaluation and plans by a licensed and registered septic system professional must be submitted with the building plans. Consult the Cochise County Environmental Health Services Division for the rules and regulations on septic systems.
- b. The analysis shall consider the parcel size to ensure adequate land area is available for a leach field capable of properly managing wastewater without causing environmental or public health issues.

5.5.8 Impact Fees:

If an individual or developer wants to build according to the new standards, such as building multifamily:

Infill Development Incentive. In the event impact fees on new development are adopted by the City, infill development in the IR and MU Overlay Zone may be exempt from assessment of impact fees on units that are set aside for affordable housing.

5.5.9 Standards for larger developments:

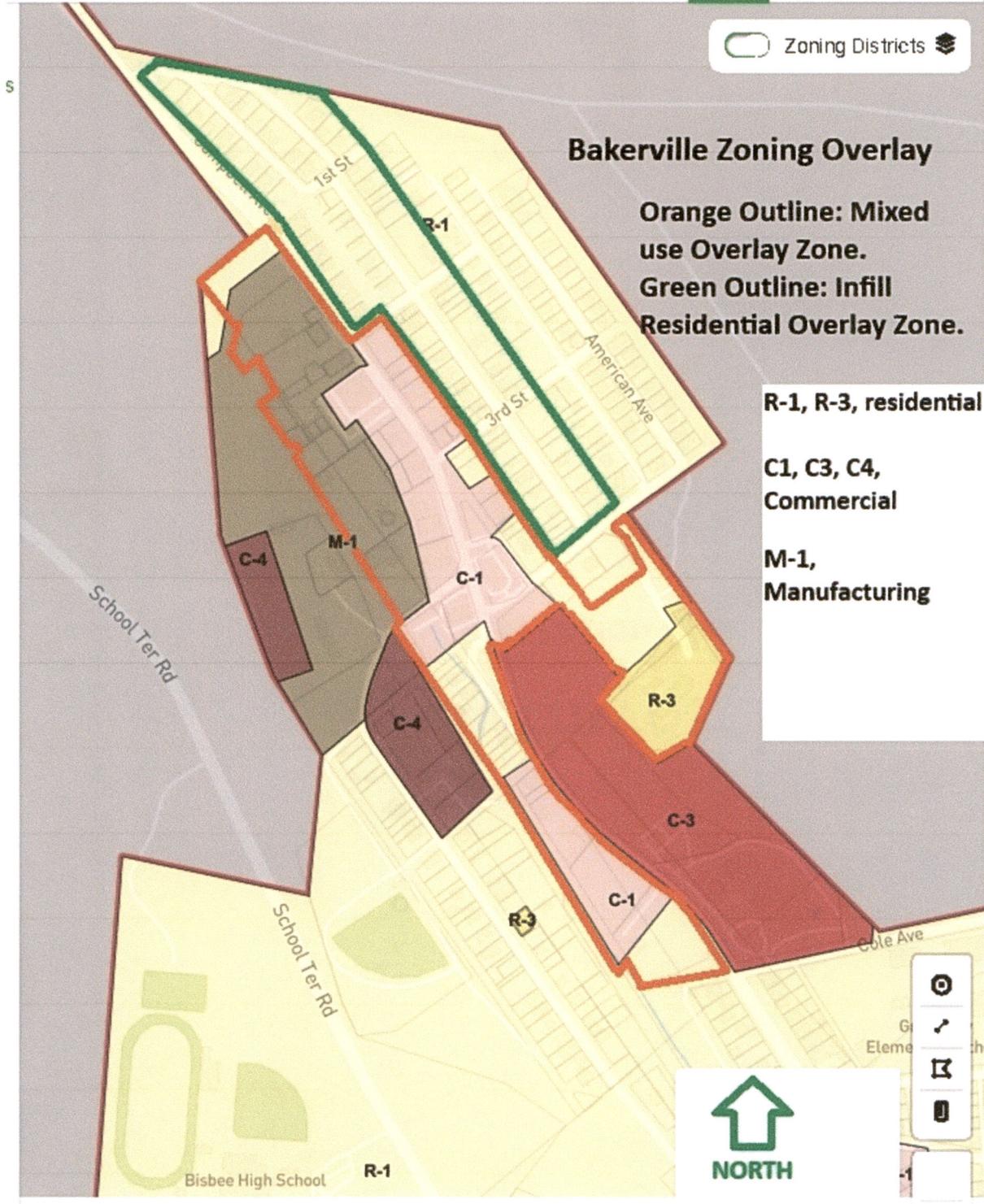
Site Circulation Design Objective. Create an internal transportation network, including a network of sidewalks and pathways, that is pedestrian-friendly and minimizes the presence of the automobile, conforming to the standards of the Bisbee Area Mobility Master Plan.

- (a) Encouragement of pathways or sidewalks to access homes, common open spaces and/or connect to Trail System.

- (b) A pathway or sidewalk shall connect common parks, schools, green areas and pocket parks to neighborhood streets, or other pedestrian connections.
- (c) Green Stormwater infrastructure shall be incorporated within landscape buffers and setbacks.

EXHIBIT “B”

Maps

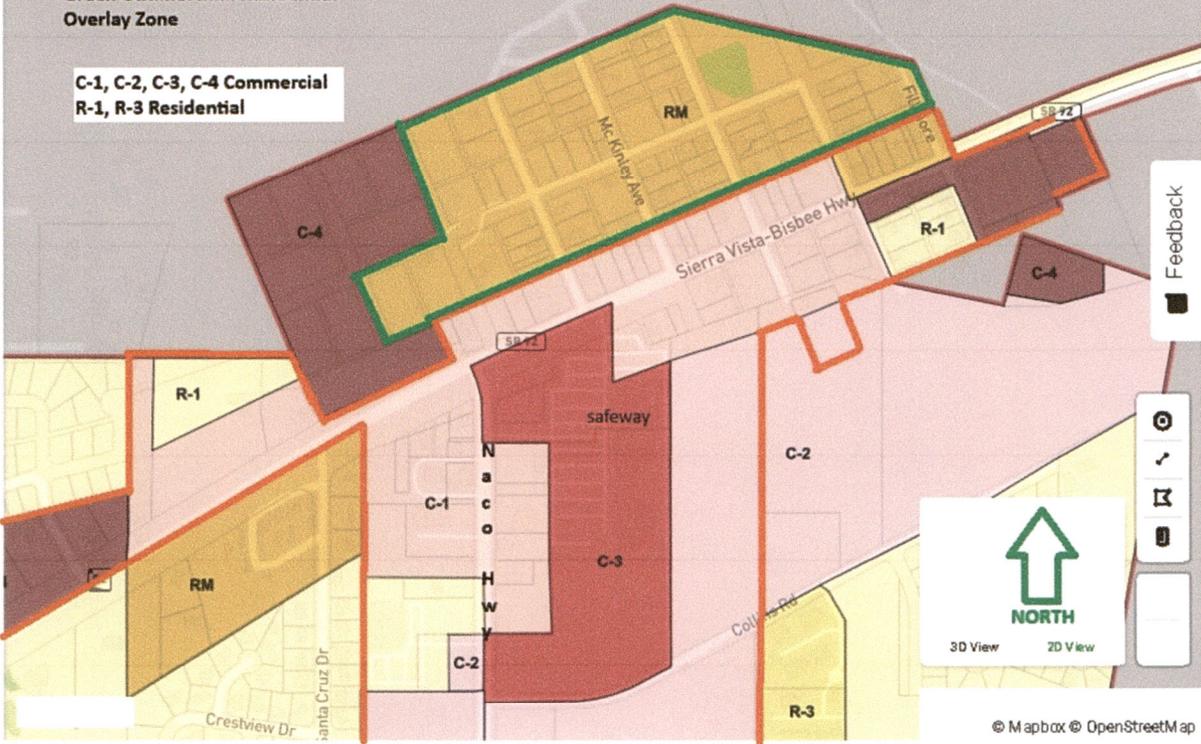


Don Louis, Naco Hwy and SR 92 intersection

Zoning Districts

Orange Outline: Mixed-Use
Overlay Zone
Green Outline: Infill Residential
Overlay Zone

C-1, C-2, C-3, C-4 Commercial
R-1, R-3 Residential

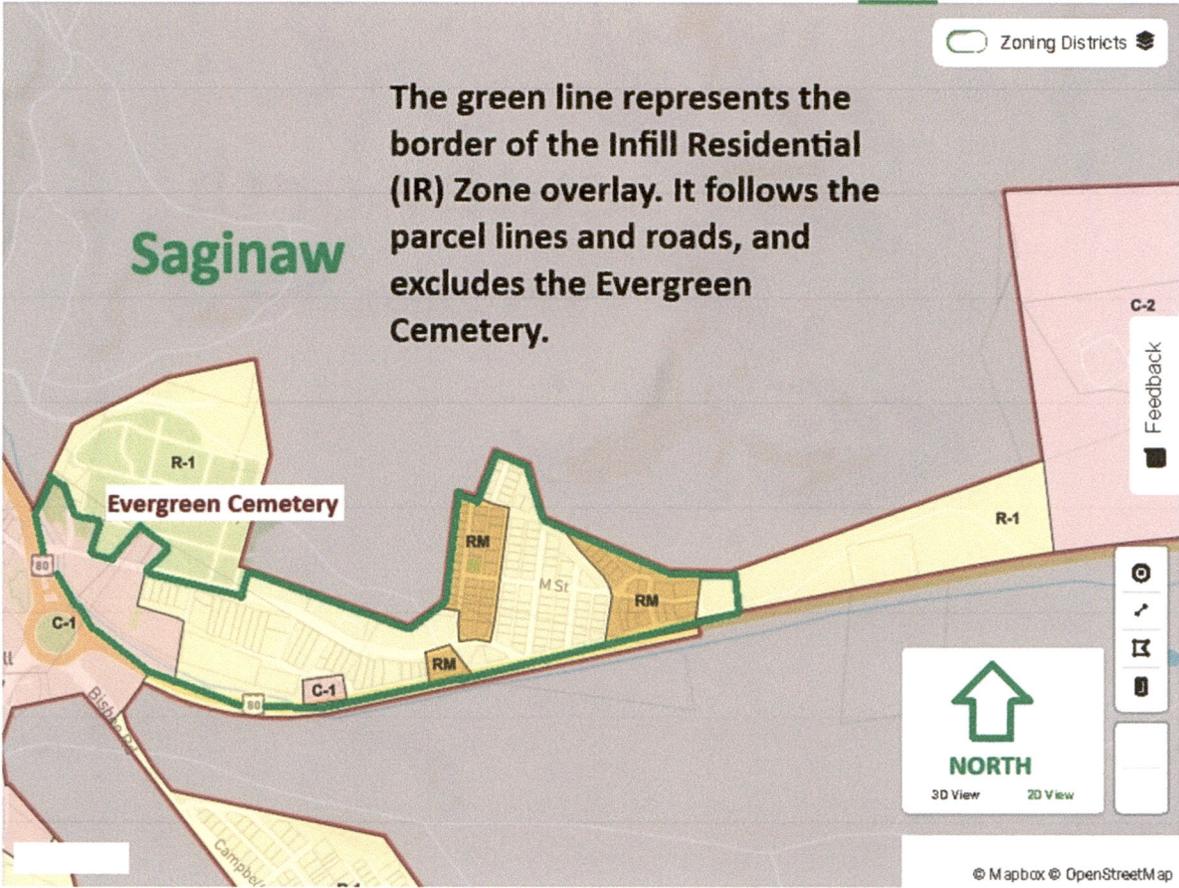


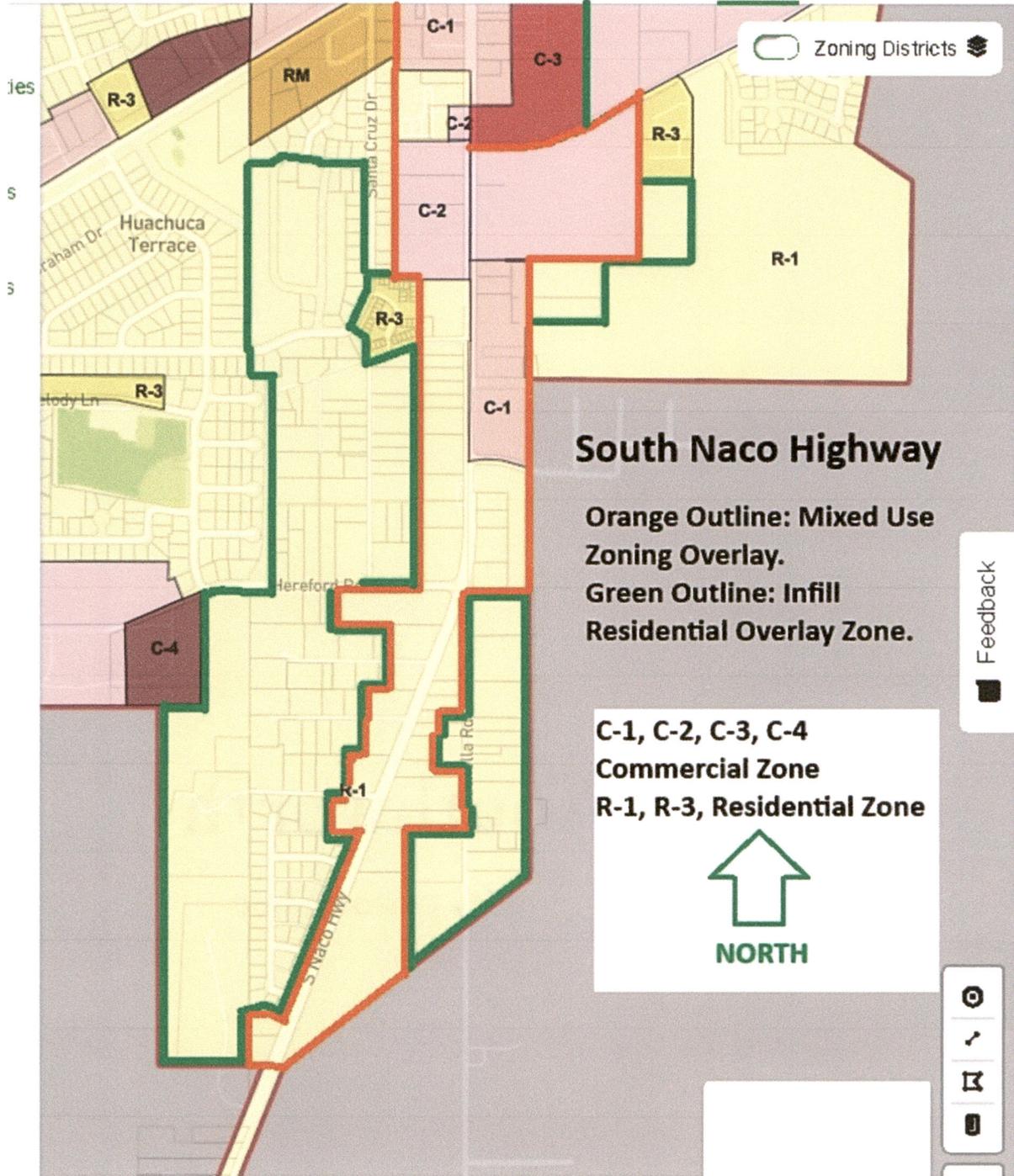
Feedback



3D View

2D View





South Naco Highway

Orange Outline: Mixed Use Zoning Overlay.
Green Outline: Infill Residential Overlay Zone.

C-1, C-2, C-3, C-4 Commercial Zone
R-1, R-3, Residential Zone



Feedback



West Highway 92 and Sierra Cobre Overlay Zones

Orange Outline: Mixed use
Overlay Zone

Green Outline: Infill
Residential.

C-1, C-2, C3 Commercial Zone
R-1, R-3 Residential Zone
RM Residential Manufactured
Homes.

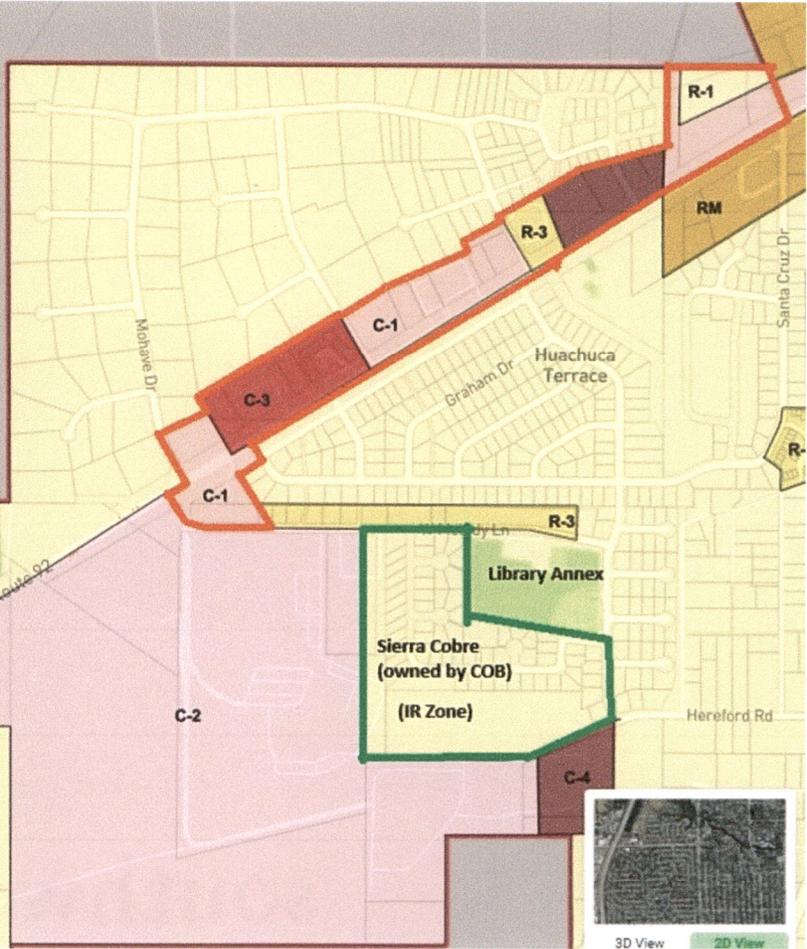


EXHIBIT "C"

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

Ordinance No. 25-01

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

Making these amendments to the Zoning Code should provide a positive impact on housing costs as smaller and denser housing would be allowed under the changes, which should lower housing costs.

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

None

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

None.