

ORDINANCE 0-16-07

AN ORDINANCE OF THE MAYOR AND COUNCIL TO CONDITIONALLY REZONE PARCELS 103-62-416 AND 103-62-416A, OWNED BY BORDER CITIES LAND CORPORATION, FROM C-1 TO C-4

WHEREAS, on April 28, 2016, Border Cities Land Corporation (“BCLC”) submitted an application to rezone Parcels 103-62-416 and 13-62-416A, located in the Old Bisbee Historic District, from C-1 to C-4; and

WHEREAS, pursuant to a Settlement Agreement between the City and BCLC entered into in 2011, as amended in 2016, the City Council is required to conduct an up or down vote on the rezoning application by no later than November 30, 2016; and

WHEREAS, after conducting a work session and holding two public hearings, on October 20, 2016, the Planning and Zoning Commission unanimously voted to conditionally approve the rezonings;

WHEREAS, on November 9, 2016, the Council held a duly noticed public hearing on the requested rezoning.

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

The zoning classification of Tax Parcels 103-62-416 and 13-62-416A, located in the Old Bisbee Historic District, are changed from C-1 to C-4, subject to the following conditions:

1. The Applicant shall provide the City with a signed Acceptance of Conditions and a Waiver of Claims form arising from ARS Section 12-1134 signed by the property owner of the subject property within thirty (30) days of City Council approval of the rezoning.
2. Any project shall be commenced within five (5) years of the date of zoning approval or the parcels will revert to their former zoning classification upon action of the City Council after giving thirty (30) day notice to the Applicant.
3. Any project will address site development standards including outdoor lighting, setbacks, landscaping, and a traffic circulation plan, and will include a parking plan in conformance with Article 8 (Parking and Loading) of the Zoning Code. The site development plan and the parking

Ordinance O-16-07

plan, and any requested waivers, will be subject to approval of the Mayor and Council at a public hearing, following a review and recommendation from the Planning and Zoning Commission.

4. The parking plan must be in conformance with the Settlement Agreement between the City and the Applicant executed in January, 2011 and filed with the Court in Cochise County Superior Court, CV200600950, which includes 40 free public parking spaces on the "Plaza Parcel."

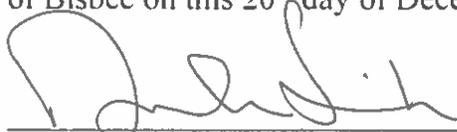
5. Any proposed exterior construction, reconstruction, alterations or structural changes will also be subject to approval of the Design Review Board per Section 2.6 of the Bisbee Zoning Code.

6. Prior to issuance of a building permit and Floodplain Use Permit, the applicant will provide the County and City with structural design calculations by a registered professional engineer that ensures that any new structure will cause no adverse impact to the underground drainage channel.

7. Should the Applicant not pursue a hotel use, the applicant agrees to limit other alternative uses to the C-4 permitted uses listed in this report excluding Automobile Sales, Garden & Nursery, Home Supply/Lumber Yard, Equipment Rental/Leasing, Golf Course/Driving Range, Self-Storage, Towing Yard, and Cabinet Repair.

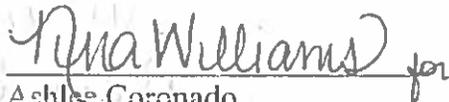
8. If the proposed use is a hotel, the hotel size shall not be greater than 65 rooms.

PASSED, APPROVED AND ADOPTED by the Mayor and Council of the City of Bisbee on this 20th day of December, 2016.



David M. Smith, Mayor

ATTEST:



Ashlee Coronado,
City Clerk

APPROVED AS TO FORM:



Britt W. Hanson,
City Attorney