

**ORDINANCE 0-17-03**

**AN ORDINANCE OF THE MAYOR AND COUNCIL TO CONDITIONALLY REZONE PARCEL 103-61-437, OWNED BY TONYA BORGESON, FROM R-1 TO CM-1**

**WHEREAS**, on January 19, 2017, Tonya Borgeson, owner of Parcel 103-61-437, located at 219 Tombstone Canyon in the Old Bisbee Historic District, submitted an application to rezone the Parcel from R-1 to C-1, with the stated purpose to allow for operation of a boutique; and

**WHEREAS**, after holding a duly noticed public hearing, on February 16, 2017, the Planning and Zoning Commission unanimously voted to conditionally approve the rezoning;

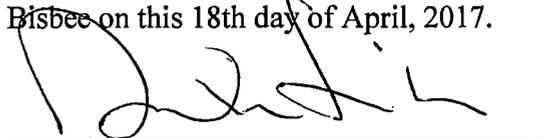
**WHEREAS**, on April 4, 2017, the Council held a duly noticed public hearing on the requested rezoning.

**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 Parcel 103-61-437, located in the Old Bisbee Historic District, is changed from R-1 to C-1, subject to the following conditions:

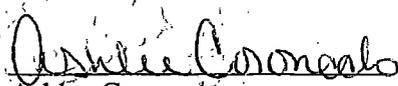
1. The property owner shall provide the City with a signed Acceptance of Conditions and a Waiver of Claims form arising from ARS Section 12-1134 signed by the property owner of the subject property within thirty (30) days of City Council approval of the rezoning.
2. Should the property owner pursue a use of the parcel other than as a boutique, the applicant agrees to limit other alternative uses to preclude restaurants, day care and automotive service.
3. Any proposed exterior construction, reconstruction, alterations or structural changes are subject to approval of the Design Review Board per Section 2.6 of the City's Zoning Code.

**PASSED, APPROVED AND ADOPTED** by the Mayor and Council of the City of Bisbee on this 18th day of April, 2017.



David Smith, Mayor

**ATTEST:**



Ashlee Coronado,  
City Clerk

**APPROVED AS TO FORM:**



Britt W. Hanson,  
City Attorney