

**ORDINANCE O-17-12**

**AN ORDINANCE AMENDING ZONING CODE ARTICLE 8.7.1 TO EXEMPT  
NEW RESIDENTIAL CONSTRUCTION IN THE BISBEE HISTORIC  
PRESERVATION OVERLAY ZONE FROM PARKING REQUIREMENTS**

**WHEREAS**, pursuant to City Zoning Code Articles 8.1.2 and 8.7, new residential construction in the Bisbee Historic Overlay Zone is currently subject to requirements to provide a certain amount of parking; and

**WHEREAS**, in some instances it is not feasible to meet such parking requirements; and

**WHEREAS**, to encourage new residential construction the Bisbee Historic Overlay Zone, the Planning and Zoning Commission unanimously approved a proposed amendment to add a subsection, 8.7.1, to specifically allow for new residential construction where providing parking is not feasible, as set forth in Exhibit A hereto; and

**WHEREAS**, it is in the best interests of the City of Bisbee and its citizens to adopt the amendment to the Zoning Code set forth on Exhibit A hereto.

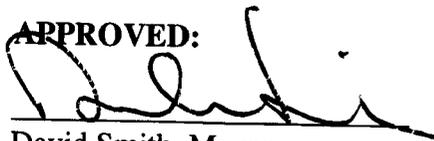
**NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND COUNCIL OF  
THE CITY OF BISBEE, COUNTY OF COCHISE, STATE OF ARIZONA, THAT:**

**Section 1.** The amendment to Article 8.7 of the Zoning Code, by adding a new subsection 8.7.1, as set forth in the attached Exhibit A, incorporated herein by reference, is hereby adopted.

**Section 2.** If any section, subsection, sentence, clause, phrase or portion of this Ordinance 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.

**PASSED, APPROVED AND ADOPTED** by the Mayor and Council of the City of Bisbee on this 21<sup>st</sup> day of November, 2017.

**APPROVED:**

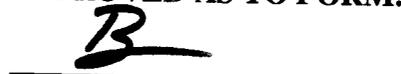


David Smith, Mayor

**ATTEST:**

  
Ashlee Coronado, City Clerk

**APPROVED AS TO FORM:**

  
Britt Hanson, City Attorney

**EXHIBIT A**

**AMENDMENT TO THE ZONING CODE ARTICLE 8.7 BY ADDING  
SUBSECTION 8.7.1**

8.7.1 Notwithstanding any other provision of this Zoning Code, for new residential construction in the Bisbee Historic Preservation Overlay Zone, if onsite parking or offsite parking is not feasible, the parking requirements of Article 8.1 of this Zoning Code shall not be applicable. The determination of feasibility shall be made by the Zoning Inspector. A property owner can appeal the Zoning Inspector's determination of feasibility to the Board of Adjustment.