Zoning Code

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ARTICLE 1 GENERAL

1.1 Purpose and Title

The purpose of this ordinance is for the protection of the public health, safety, comfort, convenience and general welfare and in order to secure the social, physical and economic advantages of the citizens of the City of Bisbee, Arizona. The Zoning Ordinance shall be available for public inspection in the Bisbee Community Development Department and are hereby adopted by the City Council. This Ordinance shall be known, cited and pleaded as the "Zoning Code" of the City of Bisbee.

1.2 Interpretation

A. When the provisions of this ordinance are interpreted or applied they shall be held to be the minimum requirements for the promotion of the public safety, health, and general welfare.

B. Any provision of this Zoning Code, as it may be amended, shall not impair interfere with, abolish, or annul any contract, easement, covenant, or any other private agreements, except as allowed by the state and federal constitutions. This Zoning Code shall apply independently of any easement, covenant, deed restriction or other agreement between private persons.

1.3 Repeal of Inconsistent Ordinances

All ordinances and portions of ordinances of the City of Bisbee in conflict with this ordinance are hereby expressly repealed.

1.4 Violation and Penalty

1.4.1 General

Any person, firm, or corporation, including the principal, owner, agent and tenant who violates, disobeys, omits, or refuses to comply with, or who resists the enforcement of any of the provisions of the Zoning Code shall receive a written notice citing the specific violation and a copy of the applicable Code sections. Such party shall be given 30 days to correct the violation. The written notice shall include an explanation of the appeal procedures. The written notice shall also include notice of the potential fine, not to exceed $750 per violation if the violation continues.

1.4.2 Enforcement

A. If the recipient of any notice of violation fails to submit an appeal within thirty (30) days from the date of such notice, the notice of violation shall constitute a final administrative decision on the issue.

B. If an appeal is made to the Board of Adjustment, the decision of the Code Enforcement Officer and Planning and Zoning Director may be affirmed, reversed, or modified.

C. If the violation continues for more than 30 days after the issuance of the original notice of violation and no appeal is filed, or if an appeal is taken and the violation continues for 30 days or more after a decision upholding the original action, the Code Enforcement Officer may initiate an enforcement action in the City of Bisbee Magistrate Court. The Magistrate Court shall fix and finally determine the amount of any fine, not to exceed $750 per violation, and order such other and additional relief as may be necessary to correct the violation.

D. Any use of property contrary to the provisions of the Zoning Code is unlawful and constitutes a public nuisance. The Code Enforcement Officer, under direction of the Planning and Zoning Director shall immediately commence, or request the City Attorney to commence, all necessary actions or proceedings for the abatement, injunction, and removal of any violation, in the manner provided by law.

1.5 Nonconforming Use

1.5.1 Nonconforming Use of Building or Land

Nothing adopted into this Zoning Code shall affect the right to the continued use of any property for the purpose used at the time that any such ordinance or regulation takes effect, nor to the right to make any reasonable repairs or alterations in any buildings, improvements or property used for such pre-existing purpose.

1.5.2 Nonconforming Use Created by Change in Zoning Ordinance or District Boundaries

Whenever the use of a building or land becomes nonconforming through a change in the Zoning Code or zoning district boundaries, the use may be continued together with reasonable repairs and alterations. A nonconforming use may be changed to another nonconforming use of the same or of a more restricted classification, if approved by a Special Use Permit.

1.5.3 Termination of Nonconforming Use of a Building or Land

In the event that a nonconforming use of any building or land ceases for a period of greater than one (1) year, due to an act or omission within the control of or attributable to the property owner, then any future use shall be in conformity with provisions of this Zoning Code.

1.6 Severability

If any section, subsection, sentence, clause, phrase or portion of this Zoning Code is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, the remaining portions of this Zoning Code shall remain in full force and effect.

1.7 Authority

The City of Bisbee (Hereinafter referred to as the "City") is authorized by title 9, chapter 4, Article 6, Sections 9-461 et seq,, Arizona Revised Statutes (ARS) and the Charter of the City of Bisbee to regulate land use and development within the City of Bisbee.

1.8 Relationship to Land Use Plans and Policies

It is intended that this Zoning Code provide for the implementation over time of the land use and development policies of the General Plan.

ARTICLE 2 OFFICIALS, BOARDS AND COMMISSIONS

2.1 (Reserved)

2.2 Zoning Administrator

2.2.1 Duties

A. The Zoning Administrator, who shall be the Community Development Director unless another person shall be specifically appointed by the City Council, is responsible for the enforcement of this Ordinance and shall have the power to enforce the provisions of this Ordinance. For purposes of enforcement, the Zoning Administrator shall issue notices or orders as may be necessary.

B. The Zoning Administrator or Building Inspector may call upon the City of Bisbee Police Department for assistance in enforcement of this Ordinance when necessary.

C. The Zoning Administrator may institute procedures and rules regarding enforcement of this Ordinance.

2.2.2 Inspection

Inspections shall be made by the Building Inspector or by a duly appointed assistant for the purpose of obtaining compliance with the land use and building codes adopted by the City of Bisbee. The Building Inspector has the responsibility of reporting all known or suspected violations of this Zoning Code to the Zoning Administrator for further action.

2.2.3 Records

A. The Building Inspector and Zoning Administrator shall keep careful and comprehensive records of all related matters with regard to their duties as outlined in the Zoning Code, including;

1. Copies of all papers in connection with building work as long as the structure is in existence.
2. Records of Planning and Zoning Commission proceedings
3. Records of Board of Adjustment proceedings.
4. Records of Design Review Board proceedings.
5. The Bisbee General Plan.
6. The official Zoning Map(s)
7. Records of violations and corrective action taken.

All records shall be open to the public during normal business hours but shall not be removed from City Hall.

2.3 Planning and Zoning Commission

2.3.1 Creation, Composition and Operation

There shall be a Planning and Zoning Commission consisting of seven (7) members who shall be appointed for three (3) year staggered terms. The members must be residents of the City of Bisbee. The filling of vacancies of members is established under this Zoning Code. The Planning and Zoning Commission shall have full authority to carry out the provision of this Zoning Code as the Planning Commission.

A. The members of the Planning and Zoning Commission are to be appointed by the Mayor and City Council. Each ward in the City is to be represented if possible. Commission members may be removed by the Mayor and Council with or without cause.

B. The Commission shall elect a chair and vice chair from among the membership as set out in their bylaws.

2.3.2 Powers and Duties

The Planning and Zoning Commission shall:

A. Make studies and recommend to the City Council plans, goals and objectives relating to growth, development, and redevelopment of the City and surrounding planning area.

B. Develop and recommend to the City Council policies, Ordinances, administrative procedures, and other means for carrying out plans and land use decisions in a coordinated and efficient manner.

C. Make recommendations to the City Council concerning proposed special use permits and proposed Zoning map changes. As provided for in this Ordinance (Section 3.1 & 3.2).

D. Perform other duties assigned by the City Council within the scope of land use regulation.

E. Hold monthly meeting and public hearings when necessary in accordance with section 3.1.4.

F. When any Planning and Zoning commission member has a conflict of interest in any matter before the Commission, the member shall be disqualified from participating while the Commission is hearing that particular matter.

2.4 Board of Adjustment

2.4.1 Creation, Composition, and Operation

There shall be a Board of Adjustment consisting of seven (7) members, each of whom shall reside within the City Limits of the City of Bisbee. Members of the Board shall be appointed by the Mayor, with the consent of the City Council. The City Council shall have the power to remove any member of the Board.

2.4.2 Powers and Duties

A. The Board of Adjustment shall:

1. Hear and decide appeals in which it is alleged that there is an error in an order, requirement or decision made by the Zoning Administrator or Enforcement Officer in the enforcement of the Zoning Code. Any such appeal may arise from the interpretation of any word, phrase, district boundary, or section of this Code or when there is a dispute between the appellant and the enforcing officer.

2. Hear and decide appeals for variances from the terms of the Zoning Code. A variance may be granted only if, because of special circumstances applicable to property, including its size, shape topography, location, or surroundings, the strict application of the Zoning Code will deprive such property of privileges enjoyed by other property of the same classification in the same zoning district. Any variance granted is subject to such conditions as will assure that the adjustment authorized shall not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone in which the property is located.

3. Reverse or affirm, wholly or partly, or modify the order, requirement or decision of the Zoning Administrator or Code Enforcement Officer appealed from, and make such order, requirement, decision or determination as necessary.

B. An appeal to the Board of Adjustment must be filed within thirty (30) days of the date of a written decision from the Zoning Administrator or Code Enforcement Officer. An appeal shall stay all proceedings in the matter appealed from, unless the stay would cause imminent peril to life or property. Proceedings shall not be stayed if the Zoning Administrator certifies in writing to the Board that a stay would cause imminent peril to life or property. A reasonable time for hearing appeals shall be fixed and notice of the hearing shall be given to parties of interest by mail. Notice of the hearing shall be provided to the public by one publication in the City's newspaper of record and by posting notice on the property at issue.

C. The concurring vote of a majority of the Board members present shall be necessary to reverse any order or decision of an administrative official, or to grant a variance from the terms and conditions of the Zoning Code.

D. The Board of Adjustment may not:

1. Make any changes in the uses permitted in any zoning classification or zoning district, or make any changes in the terms of the Zoning Code, provided the restriction in this paragraph shall not affect the authority to grant variances pursuant to this article.

2. Grant a variance if the special circumstances applicable to the property are self-imposed by the property owner.

E. The Board of Adjustment shall elect a Chair and Vice Chair from among their membership. The Chair shall have the power to administer oaths, take evidence and control the meeting.

F. A person aggrieved by a decision of the Board of Adjustment or an officer or department of the City affected by the decision may, at any time within thirty days after the decision is rendered, appeal the decision to the Superior Court in the manner provided by law

2.4.3 Meetings, Hearings and Procedures

The Board of Adjustment shall meet at least once a year to conduct annual business and meet as often as necessary to hear variances and appeals. It shall elect its own officers, establish its own rules and procedures, keep a public record of its actions

and findings including all rules and procedures. The Board must render a report to the City Council and Planning and Zoning Commission when action is taken. Any finding, ruling or decision of the Board relating to the administration of the Zoning Ordinance shall be made by an order at either a regular or special meeting of the Board and shall be fully reported in the minutes of the Board.

2.5 Site Planning Committee

2.5.2 Creation, Composition, and Operation

A Site Planning Committee composed of five (5) Members shall meet within fifteen (15) days from the date of submission of a site plan application. The five members shall be a City Councilman, a City Planning Commission member, the Community Development Director, the Public Works Director, and the Building Inspector. If the project is in the historic district, a member of the Design Review Board shall be included in the review process.

2.5.2 Powers and Duties

A. The Committee shall approve, approve with stipulations deemed necessary to protect the public health safety and welfare, or deny the site plan.

B. A public hearing by the Planning Commission shall be set in the event that two of the five present members of the Site Planning Committee feel it is necessary.

C. The Committee shall select a Chairman from its membership.

2.6 Design Review Board

2.6.1 Creation, Composition, and Operation

A. There is hereby created a Design Review Board to comply with certified Local Government regulations for Historic District consisting of seven (7) members. Design Review Board members shall serve without compensation and must all be residents of the City of Bisbee. A majority must be residents or property owners of the Historic Preservation (HP) District.

B. Meetings shall be held on a monthly basis or more frequently as required.

C. The members of the Design Review Board will be appointed by and serve at the pleasure of the Mayor and Council. Design Review Board terms shall be three (3) year renewable terms. The terms will be staggered so that no more than three terms expire in the same year.

D. The members of the Design Review Board shall have the following qualifications:

1. Members shall be interested in and knowledgeable of the historic and architectural character of the Bisbee Historic District(s).

2. Members shall have the ability to read two dimensional drawings that will be submitted, and shall have the ability to conceptualize changes to the submitted plans.

3. When any Design Review Board member has direct pecuniary interest in any matter before the Design Review Board, the member shall be disqualified from participating while the Design Review Board is hearing that particular matter.

E. The Design Review Board shall obtain the services of architects, landscape architects, or other persons qualified by design background, training, or experience to advise on design aspects as or when appropriate. The Design Review has no authority to commit or expend funds without prior approval of City Council.

F. The majority of the Design Review Board must be present for a quorum.

2.6.2 Powers and Duties

A. The Design Review Board shall have the power in the Historic District Overlay Zone to review proposals for exterior construction, reconstruction, alterations or structural changes and to approve, conditionally approve, or disapprove an application. Said powers may be delegated by the Design Review Board to the Planning and Zoning Administrator to approve, conditionally approve, or deny an application for minor remodel, signs, or demolition. An application denied by the Planning and Zoning Administrator shall, at the election of the applicant, be submitted to the Design Review Board for its consideration at its next regularly scheduled meeting. (O-99-11)

B. All applications for Design Review can be appealed by the process set forth in this Ordinance.

C. It shall be the responsibility of the applicant to prove to the Design Review Board or its designee, the Planning and Zoning Administrator, that the project in question conforms with the intent and purpose established in this Ordinance and with the adopted design guidelines. (O-99-11)

D. Design Review Board, upon hearing an application, shall impose such reasonable conditions as it may deem necessary in order to carry out fully the provisions and intent of this ordinance.

E. Any exterior changes, requiring a building permit or not, must have approval of the Design Review Board prior to the commencement of work. When any project has been started without Design Review Board approval, the Design Review Board shall request that the building Official issue a Stop Work Order which shall be in effect until approval is granted by the Design Review Board.

F. Design Review Board is authorized to survey and inventory the historical properties in the Bisbee Historic District. Furthermore, the Design Review Board shall hold public hearings, at its own initiative or at the request of any other for the purpose of making nominations to the National Register of Historic Places. At the conclusion of the public hearing, the Board shall forward a recommendation to the City Council regarding the nomination to the National Register. The Council shall hold a second public hearing, at which time the City Council shall determine whether to nominate the property to the National Register of Historical Properties.

G. The Design Review Board will submit a yearly written report to the Mayor and Council and make the report available to the public.

H. The Design Review Board shall elect a Chair and Vice Chair from among their membership.

2.6.3 Establishment and Extension of the Bisbee Historic District

A. The Bisbee Historic District is hereby created and has the same boundaries as the Historical Preservation District created by the 1971 City of Bisbee Ordinance adopted March 7, 1972. The boundary of this district encompasses all properties within the City Northwest of the intersection of Naco Road and Highway U.S. 80.

B. Additional areas may be added to the Bisbee Historic District at any time by the following procedure:

1. Owners of 51% of the properties within the proposed district shall submit a written request or petition to the Design Review Board.

2. A public hearing on the request shall be scheduled by the Design Review Board and every reasonable effort will be made by the City to notify property owners within the proposed district of the hearing.

3. Within ten (10) working days after the hearing, the Design Review Board and shall make its recommendation on the proposed addition to the Planning and Zoning Commission.

4. Within twenty (20) working days of the recommendation, the Planning and Zoning Commission will forward its recommendation along with that of the Design Review Board to the City Council. Failure to act within this period by the Planning and Zoning Commission shall constitute endorsement of the Design Review Board's recommendation.

5. After receipt of the Planning and Zoning Commissions recommendation or within thirty (30) working days of the public hearing, whichever comes first, the City Council shall schedule a hearing on the proposed district at its next regular session.

6. Approval of the proposal by the City Council shall constitute an amendment to the Zoning Ordinance in lieu of the procedures of Section 3.1. The addition shall be subject to the Bisbee Historic District regulations which supersede the zoning classification regulations.

C. The Bisbee Historic District is an overlay to the basic zoning district.

ARTICLE 3 PROCEDURES

3.1 Amendments / Rezoning

The provisions of this Ordinance may from time to time be amended, supplemented, changed, modified or repealed.

3.1.1 Pre-application Meeting

It is required that all potential rezoning applicants meet with planning staff before filing a Rezoning application.

3.1.2 Application and Filing Fee

Requests to amend this Ordinance may be initiated by the Planning Commission, the City Council, or a real property owner in the area included in the proposed amendment. Applications for amendments shall be made in the office of the City Clerk, accompanied by a non-refundable fee per City of Bisbee fee Schedule. The Planning Commission and City Council are exempt from filing fees.

3.1.3 Planning Commission Hearing and Report to the City Council

All Applications for amendment of this Ordinance must first be submitted to the Planning Commission. The Planning Commission shall hold a public hearing in relation to the proposed amendment at which citizens shall have an opportunity to be heard, the Planning staff shall make a report on the Commission's recommendation to the City Council. This report shall be made by forwarding the applications for amendment to the City Council, with the appropriate recommendations, unless the applicant shall request the application be withdrawn.

3.1.4 Notification of Planning and Zoning Commission Public Hearing

Upon receipt in proper form of an application, the Planning and Zoning Commission shall proceed to hold a public hearing on the application. At this hearing all persons shall be given a reasonable opportunity to be heard. At least ten (10) days before the hearing, but not more than twenty-five (25) days, one (1) notice of the hearing shall be published in the official newspaper of the City of Bisbee and one (1) notice of the hearing shall be posted on the subject property. Notice by First class mail shall be sent to each real property owner, as shown on the last assessment of the property, within three hundred (300) feet of the subject property. The applicant shall maintain the posting of the property. Each notice shall state the date, time and place where the public hearing will be held and the nature of the amendment. Time requirements are for calendar **days unless otherwise specified.**

3.1.5 Re-application

If an applicant is denied by the City Council or the application for amendment is withdrawn after the Planning Commission hearing, the Planning Commission is not required to accept another application for the same amendment within a year of the date of the previous hearing.

3.1.6 Protest Against Application

If a written protest against a proposed amendment is presented at any Council Hearing, the amendment shall not become effective except by a favorable vote of three-fourths of all the members of the Council of the City of Bisbee qualified or able to vote on the amendment which in no event will be less than four votes. A written protest must be submitted by 20% of the owners included in at least one of the following categories:

A. of the area of the lots included in the proposed change,

B. of those immediately adjacent in the area within one hundred fifty (150) feet of the subject property,

C. of those directly opposite the subject property.

3.1.7 Rezoning Application Evaluation Criteria

An analysis of how the project addresses these evaluation factors is necessary for the staff report to the Commission and Council. The Rezoning application must provide sufficient information for staff to make this analysis.

Rezoning Evaluation Factors:

1. **Application.** The Application Concept/Site Plan must provide sufficient information to determine that the proposed size and layout would comply with the applicable uses and standards for the types and intensity of uses permitted in the requested zoning district.

2. **Compliance with Site Development Standards.** Each parcel must meet the site development

standards of the proposed zoning district including minimum lot size, setbacks, lot coverage, driveway width, parking and ADA-access requirements. The rezoning Concept/Site Plan should show how these standards would be met.

3. **Adjacent Districts Remain Capable of Development.** Adjacent parcels should be able to meet minimum lot size and development standards of the remaining zoning district.

4. **Limitation on Creation of Nonconforming Uses.** The subject property should contain no structures or uses that would not be permitted or would not meet development standards of the new district.

5. **Compatibility With Existing Development.** The proposed rezoning district should be compatible with existing development in the vicinity.

6. **Rezonings To More Intense Districts.** The proposed new district should:

• Be buffered by an intermediate district of sufficient size to provide a reasonable transition of intensity from the existing area;

• Be a reasonable extension of a similar density district within the area; and

• Provide a transition between an existing less intense district and a more intensive district or an arterial street; or

• Provide adequate protection to the adjacent less intense development in the form of enhanced screening, landscaping, setbacks, large lot size, building orientation or other design measures.

7. **Adequate Services and Infrastructure.** The following factors are used to determine if there are adequate services and infrastructure to serve an intensification of zoning:

(a) For a rezoning to a more intensive district, the applicant has provided adequate information to evaluate the impacts of the rezoning on roads, other infrastructure, and public facilities. The applicant must demonstrate that there are adequate provisions to address the impacts identified.

(b) If the site accesses on a road where existing demonstrable traffic problems created by incremental development have already been identified, such as a high number of accidents, substandard road design or surface, or the road is near or over capacity, the applicant has proposed a method to address these problems.

(c) The proposed development meets or will meet the applicable requirements for street, sewer, or water improvements.

(d) The site has access to streets that are adequately designed and constructed to handle the volume and nature of traffic typically generated by the use.

8. **Traffic Circulation Criteria.**

(a) Any rezoning shall be consistent with preservation of the functions of surrounding streets.

(b) If the rezoning is to C, CM or M, the development shall not result in the use of any residential street for through traffic to and from the proposed district.

9. **Development Along Major Streets**. The rezoning size [the size of the land area to be rezoned] limits the number of access points on major thoroughfares or arterial streets, and collectors through the use of frontage roads, shared access, no access easements or other safe methods designed to minimize road cuts that create unsafe traffic conflicts, hazardous traffic congestion and obstruct the functioning of arterials.

10. **Infill.** This factor is designed to encourage infill in areas where commercial and industrial development already exists, thereby discouraging sprawl and locating new non-residential developments where adequate infrastructure may already exist and where they are most likely to be compatible with existing uses.

11. **Unique Topographic Features.** A rezoning to a more intensive zoning district shall not take place if there are areas of unstable soils, steep slopes, severe washes, floodplains, etc. which are not appropriate for intense development. Rezonings encompassing such areas will be discouraged unless the developer carefully plans development around these areas, such that they are appropriately protected.

12. **Water Conservation.** Uses proposed with the rezoning shall show compliance with the water conservation regulations of Article 12 in the City Zoning Code.

13. **Public Input.** If there is a major public opposition to a proposed rezoning, this may indicate that the technical evaluation regarding compatibility of the proposed district does not concur with the view of local residents and a recommendation of denial may be appropriate. If public concerns have been raised, it is fair to ask if the applicant has made a reasonable effort to address these concerns.

14. **Hazardous Materials.** Adequate data has been submitted to determine that impacts from uses that may involve hazardous or dangerous materials are adequately mitigated.

15. **Compliance with General Plan or other Applicable Area Plans.** The rezoning conforms to land use designations and policies set forth in the City's General Plan or any other adopted Area or Master Plan.

3.2 Special Use Permit

3.2.1 Issuance

Special Use Permits, which may be revocable, conditional or valid, for a time period, are a privilege, not a right, and may be granted only after review and recommendation by the Planning and Zoning Commission to the City Council, and only after the City Council has found in writing that the granting of the Special Use Permit will not be materially detrimental to the public health, safety, or welfare. Special uses that may be applied for are set forth in the Appendix, designated by blank spaces in the Uses and Zone Matrix and in the chart entitled "Special Use Permit Required."

1. In arriving at such a determination, the factors which will be considered shall include the following:

   A. Damage or nuisance arising from noise, smoke, odor, dust, traffic, vibration, illumination or parking.

   B. Hazards to persons and property from possible explosion, contamination, fire or flood.

   C. Whether infrastructure impacts are minimized; and

   D. Whether the proposed use is reasonably compatible with the types of use permitted in the surrounding area.

The burden of proof for satisfying the aforementioned requirements shall rest with the applicant. Uses incidental to the approved zoning and primary use do not require a Special Use Permit. Uses permitted as a matter of right in each zoning district are indicated in Appendix 1, Bisbee Zoning Matrix.

3.2.2 Application and Filing Fee

Application for a Special Use Permit shall be made in writing to the Planning Commission with a non-refundable fee per the City of Bisbee Fee Schedule, the application shall also be accompanied by a site plan, drawn to scale.

3.2.3 Public Hearing

Upon receipt in proper form of an application, the Planning Commission shall set a date for a public hearing for the next scheduled Planning and Zoning Commission meeting within forty-five (45) days from the date of the application. At least ten (10) days before the hearing, but not more than twenty-five (25) days, one (1) notice of the hearing shall be published in the official newspaper of the City of Bisbee and one (1) notice of the hearing shall be posted on the subject property. Notice by first class mail shall be sent to each real property owner as shown on the last assessment of the property, within three hundred (300) feet of the subject property. The date, time and place of the public hearing and the nature of the use permit requested shall be included in the notice. The applicant shall maintain the posting of the property. If a public hearing is not held within forty-five (45) days from the date of the application, the application shall be forwarded to the City Council with the recommendation of approval. Time requirements are for calendar days unless otherwise specified.

3.2.4 Action of The City Planning Commission

Upon completion of the public hearing on the Special Use Permit, the Planning Commission shall transmit a copy of its findings and recommendations to the applicant and to the City Council. The report order of filing shall become a permanent record of the Planning Commission and the City Clerk.

3.2.5 Action of City Council

The City Clerk shall schedule a public hearing before the City Council at which citizens shall have an opportunity to be heard. At least ten (10) days before the City Council hearing but not more than twenty-five (25) days, one (1) notice of the hearing shall be published in the official newspaper of the City of Bisbee and one (1) notice of the hearing shall be posted on the subject property. Notice by first class mail shall be sent to each real property owner as shown on the last assessment of the property, within three hundred (300) feet of the subject property. The date, time and place of the City Council hearing and the nature of the use permit requested shall be included in the notice.

3.2.6 Decision

The Council may grant a Special Use Permit stipulating those conditions it feels necessary to carry out the provisions and intent of this Ordinance. A copy of the Special Use Permit shall be posted at all times on the premises. The Special Use Permit will be granted to the applicant but will run with the property unless for a specific time period.

3.2.7 Violation

The violation of any condition imposed by a Special Use Permit shall constitute a violation of this Ordinance and render any such permit null and void. Amendment or addition to any Special Use Permit is subject to the same procedures as those which apply to a new applicant. Violations may be appealed to the Hearing Officer.

3.3 Variance

3.3.1 Issuance

A variance is a request for an exception to the regulations governing the zoning district. The Board of Adjustment may grant a variance only as authorized by Section 2.4 of this Zoning Code.

3.3.2 Application and Filing Fee

A. An appeal or application for Variance shall be filed with the Zoning Administrator upon form provided by the Zoning Administrator, and shall be accompanied by:

    1. Plans and description sufficient to indicate the nature of the project involved and the proposed use.

    2. A complete explanation of the reasons that the variance is required and the specific variance of the regulations that is being requested.

    3. Evidence satisfactory to the Board of Adjustment of the intention of the applicant to proceed with actual construction work in accordance with the plans within six months after issuance of variance.

    4. A non-refundable filing fee per City of Bisbee fee schedule.

B. From the time the application is filed until the time of the hearing, the application and all maps, plans and other accompanying data shall be available for public inspection during office hours at the office of the Community Development Department.

3.3.3 Hearing and Notice

Upon receipt in proper form of an application, the Board of Adjustment shall proceed to hold a public hearing upon the application at which time all persons shall be given a reasonable opportunity to be heard. At least ten (10) days before the hearing, but not more than twenty-five (25) days, one notice of the hearing shall be published in the official newspaper of the City of Bisbee and one (10 notice of the hearing shall be posted on the subject property. Notice by first class mail shall be sent to each real property owner, as shown on the last assessment of the property, within three hundred (300) feet of the subject property. Each notice shall state the time, date and place where the hearing will be held and the nature of the variance and shall state that anyone wanting to oppose or support the relief sought by the applicant may appear in person or may submit a written objection or support statement.

3.3.4 Action

The board shall prescribe in connection with any Variance such conditions as the Board may deem necessary in order to fully carry out the provisions and intent of this Ordinance. The conditions may include, among other things, a limitation of the time for which the variance shall be valid. Violation of any such condition shall be a violation of this Ordinance and shall render the Variance null and void.

3.3.5 Review

Any person aggrieved be a decision of the Board after hearing an application made by any taxpayer or municipal officer, may bring a special action in the Superior Court of Cochise County.

3.4 Site Plan

3.4.1 Site Plan Approval

Site Plan approval is required for all commercial and multi- family projects over a half acre (21,788 square feet) in size unless otherwise specified. When site plan approval is required by this Ordinance, an application will be submitted to the Planning Department for the Site Planning Committee and will be accompanied by a non-refundable fee per the City of Bisbee fee schedule. No separate site plan application is required when a site plan is filed with a Special Use Permit. The application will be accompanied by the following information when applicable for the proposed development:

A. Site Plan, drawn to scale showing:

1. Name of applicant and agent.
2. Scale. Not greater then 1”=100”
3. Date, title and any required notations.
4. Legal Description.
5. Lot dimensions
6. All building and structures: location, size, height and materials.
7. Yards and space between buildings
8. Walls, fences, and landscaping: location, height and materials.
9. Off Street parking: location, number of spaces and/or dimensions of parking area, arrangement of spaces, internal circulation pattern, and landscaping.
10. Access- pedestrian, vehicular, service: points of ingress and egress.
11. Signs: Location, dimensions, number of spaces, internal circulation.
12. Loading: Location, dimensions, number of spaces, internal circulation.
13. Lighting: location and general nature, hooding devices.
14. Street dedications and improvements.
15. Landscaping, where required by or relevant to the provisions of this Ordinance.
16. Outdoor storage and activities, where permitted in the district: Type, location, height of screening devices.
17. Drainage and Grading.
18. Waste disposal facilities.
19. Renderings and other data as may be required to permit the staff to make the required findings

B. The applicant shall submit ten (10) prints of the site plan which meets the Ordinance requirements to the Community Development Director.

3.4.2 Procedure

A. The site plan shall be submitted to the Site Planning Committee, which shall determine whether:

1. All provisions of this Ordinance are compiled with.
2. The following are so arranged that traffic congestion is avoided. Pedestrian and vehicular Safety and welfare is protected, and there will be no adverse effect on surrounding property:

   A. Location of buildings, structures and improvements.

   B. Vehicular ingress, egress and internal circulation.

   C. Yards.

   D. Height of buildings

   E. Location of service

   F. Walls

   G. Landscaping

3. Proposed lighting shall be in accordance with the City "Light Pollution Code".

4. Proposed signs will not by size, location, color, or lighting, interfere with traffic visibility.

B. The site Planning Committee's decisions shall be final unless the applicant requests in writing a public hearing. The request shall be filed with the secretary of the Planning Commission within ten (10) days after the decision, and shall be placed on the agenda of the Planning Commission.

C. All copies of the approved site plan, including any conditions, shall be mailed to the applicant. One copy shall be filed with the Building Inspection Department, and one with the City Clerk.

3.4.3 Time Limit of the Site Plan Approval

A. One year from the date of approval, a site plan approval becomes void if a building permit has not been issued, unless a different time period is made a condition of site plan approval.

B. An extension of approval may be granted if the applicant files for an extension prior to the approval becoming Void and the extension is granted by the approving body.

3.5 Architectural Design Review for Historic Preservation (HP) Overlay District

3.5.1 Purpose

Architectural Design Review is intended to encourage and enhance the historical character and natural attractiveness of the City of Bisbee. It is a recognized fact that part of the economic well-being of the City depends upon its tourism development. It is also the intent of this district to protect the City's unique architecture and items of historical significance from the effects of inharmonious, bizarre, and out-of-scale development. Architectural Design Review requires a review of the exterior design for all buildings, structures, or appurtenances which are to be erected, constructed, converted, established, altered or enlarged within those districts subject to Architectural Design Review, by the Design Review Board.

The Historical Preservation District is a supplemental special district which, when superimposed over any other zoning district, requires the plans for all sites, buildings, structures, or appurtenances to be erected, constructed, converted, established, altered or enlarged within the district to be reviewed and approved by the Zoning Administrator and the Design Review Board prior to any construction, removal, or site work.

3.5.2 Review Requirements and Procedures

A. Prior to the change of any building's exterior features, by remodeling or alteration, and prior to any new construction within the District, the property owner, or his designated agent, shall secure the approval of the Design Review Board. For commercial buildings located within the portion of the District that is officially included within the National Register of Historic Places, each property owner shall obtain specific approval from the Design Review Board prior to painting or re-surfacing any existing, unpainted brick structures and prior to covering or altering any of the existing signs painted on the building facades in this area.

B. Prior to the preparation of final architectural or engineering drawings for all sites, buildings, structures, enclosures or appurtenances to be erected, constructed, converted, remodeled, altered or enlarged, and prior to the issuance of any building permit, the property owner shall submit the following for the Design Review Boards consideration:

1. An application for Design Review approval which includes the applicant's name, mailing address, location of property, legal description of property and other information deemed necessary by the Building Inspector and the Design Review Board.

2. Adequate illustration of the building or structure's character and treatment to scale through elevations of the front, sides and rear of the building. The maximum heights of all structures shall be included.

3. A site plan, to scale, showing area covered by the building or structure, parking areas, and landscaping treatment and any other information pertinent to understanding the application.

4. A list of exterior materials. In case of a sign, the method of attachment.

5. A copy of the assessor's map of the property.

6. Photographs of the building and of neighboring structures, upon request from the Building Inspector.

C. Prior to the issuance of a building permit for any improvements within the District, the Building Inspector shall determine that the Design Review Board has approved plans, as required herein, which are in substantial conformance to those presented with the building permit application. A building permit must be applied for within 1

year of approval by the Design Review Board, or otherwise, the applicant must resubmit to the Design Review Board. An application form signed by the chair of the Design Review Board showing the action taken will be kept in the Planning and Zoning Department files. A copy will be retained in the Building Inspection Files and a copy will be given to the applicant.

D. The Design Review Board shall impose such conditions as it may deem necessary in order to fully carry out the provisions and intent of the historic district regulations.

E. The Building Inspector shall insure that all matters approved by the Design Review Board are undertaken and completed according to the approval of the Design Review Board. The Building Inspector is authorized and required to stop any work attempted to be done without or contrary to the approval of the Design Review Board, and shall cite any violator into magistrate court.

F. General applications must be received at City Hall no less than ten (10) calendar days prior to the next regularly scheduled meeting of the Design Review Board in order to be presented at the next meeting. If the applicant fails to appear in person or through a designated representative at the scheduled meeting, the Board may table the application to its next meeting or may consider the application if adequate information has been included.

G. Certain applications for work that may have a greater potential to impact the character of the historic district shall require additional notification, to be completed by City staff, prior to presentation to the Design Review Board. These shall include the following proposed activities:

1. the construction of a new building or structure within the District, other than the construction of a sign, fence or wall;
2. the demolition of any building or structure, other than minor storage facilities or accessory buildings;
3. the increase of the height of any existing building; or
4. any substantial modification to any building or structure that has been designated as having special significance or as a contributing structure within the District.

Written notification of the application, including a description of the proposed action and a drawing depicting the proposed exterior elevations, must be mailed by first class mail to all property owners located within 300 feet of the subject property not less than fifteen (15) days prior to the Design Review Board hearing. The subject property must be posted with this same information for this same time period.

H. Applications may be reviewed by the Zoning Administrator and the Building Inspector for recommendation to the Design Review Board. The Zoning Administrator or the Building Inspector may make a recommendation to the Design Review Board and shall advise the applicant of any such proposed recommendation prior to the meeting, if possible.

3.5.3 Criteria

In considering any application for Design Review approval, the Design Review Board shall be guided by the Design Guidelines for the Bisbee Historic District and the Secretary of the Interior's Standards for the Treatment of Historic Properties and Standards for Rehabilitation.

3.5.4 Maintenance

Property owners of the historic district shall have the right and are encouraged to maintain their property. The Building Inspector may approve a building permit without Design Review Board approval for any work that consists of nothing more than repair work where there will be no exterior change that will alter the character of the structure or where only similar replacement materials will be used. Repairs and improvements such as re-roofing, the replacement of windows, doors and stairs in the same locations, and the replacement of gutters, fencing, utility connections, and other similar non-structural elements may also be directly authorized by the Building Inspector. An Administrative Approval from the Community Development Director must be obtained prior to the issuance of a building permit for any such work.

3.5.5 Demolition and Movement of Historic Buildings

The Design Review Board must approve all demolition permits and relocation permits for any significant part of any building in the Historic Preservation (HP) Overlay District. No permit shall be issued by the Building Inspector until DRB approval. However, if a structure is judged by the Building Inspector to be a hazard to public safety, the Building Inspector may order the immediate demolition of the building in accord with his charge to protect the public health and safety. The Inspector will notify the DRB members of his decision. In making its' decision, the Design Review Board should determine whether and to what extent demolition or movement affects the structure in question or any contributing structure within the district as demolition and/or movement can have significant impact on the City in general. For permit approval the applicant must show

that preserving the building is not physically and/or economically feasible. The DRB reserves the right to gain access to the structure to inspect it, in line with a demolition application.

A. Approval: The Design Review Board may recommend approval of the demolition or relocation permit if any of the following conditions exist:

   1. It is demonstrated that the structure is a deterrent to a major improvement program which will be of substantial community benefit

   2. A determination is made that a building or structure no longer presents an opportunity for feasible rehabilitation, which is arrived at after an on-site visit by a licensed contractor, structural engineer or architect experienced in historic preservation work. Any costs shall be borne by owner.

   3. The investment required to preserve to preserve or rehabilitate the structure could not be offset by the return on the property.

   4. The Design Review Board shall notify the Building Official that the demolition permit is approved. The Building Official may do the following:

      a. Issue the permit, or,

      b. Deny the permit based on other duly adopted and applicable ordinances or regulations.

B. Denial: If preservation or rehabilitation is determined to be feasible, and if the structure has been designated as one having special significance or as a contributing property within the District, the Design Review Board shall deny the permit for demolition or movement of a structure.

C. Demolition by Neglect: If a structure in the District is judged by the Building Inspector to be in danger of falling into irreparable condition because of neglect, a Notice of Neglect will be sent to the Legal Owner(s) stating the conditions that must be remedied. Within 60 days of such notice, the Owner(s) may request a public hearing before the DRB Board. The DRB Board may rescind or confirm all or part of the Notice of Neglect based on information provided by the Owner(s). If the DRB confirms the Notice of Neglect or the Owner(s) fails to correct the conditions listed, the City of Bisbee will begin issuing violation notices and seek all remedies and penalties in accordance with Bisbee City Code.

3.5.6 Appeal

A. Any applicant for Design Review Board approval or any other person that is dissatisfied or aggrieved by the decision of the Design Review Board may appeal the decision to the Board of Adjustment by filing a written Notice of Appeal with the Community Development Director no later than thirty (30) days from the date of the Design Review Board's decision. Any such Notice of Appeal shall include a detailed explanation of the basis of the appeal and copies of all documents which the appellant wishes to have the Board of Adjustment consider in any appeal.

B. The Board of Adjustment shall review the decision of the Design Review Board and the record presented to it and may affirm, reverse or modify any such decision. The appellant and any other aggrieved party, including members of the Design Review Board, may be heard in any appeal to the Board of Adjustment during the time scheduled for any such appeal.

3.6 Building Permits

3.6.1 When Required

Building Permits will be issued by the Building Inspector in accordance with the current International Building Code and other building regulations adopted by City Council.

3.6.2 Completion of Existing Buildings

Nothing in this Ordinance shall require changes in the plans or construction of a building for which a lawful permit has been issued or which has been otherwise lawfully authorized.

3.6.3 Revocation

The Zoning Administrator may revoke a building permit or approval issued under provisions of this Ordinance where there has been any false statement or misrepresentation as to material fact in the application or plans on which the building permit or approval was based. The Zoning Administrator will notify the Building Inspector in writing of the interpretation and Decision.

ARTICLE 4 DISTRICTS AND BOUNDARIES

4.1 Division of City into Districts; Enumeration

In order to provide an environment that is people friendly and allows for flexibility in land use, a zoning system has been devised to meet the needs of Bisbee. Further, to classify, regulate, restrict and separate the use of land, Buildings and structures and to regulate and to limit the type, height and bulk of buildings and structures and to regulate the areas of yards and other open areas around and between buildings and structures and to regulate the density of dwelling units, the City is hereby divided into the following districts:

4.1.1 Specific Plan Zones

(Lot configurations and setbacks apply to new sites outside the Historic Preservation Overlay Zone)

A. Residential
   1. R-1
   2. R-2
   3. R-3
   4. RM

B. Commercial Districts
   1. C-1
   2. C-2
   3. C-3
   4. C-4

C. Commercial Mixed
   1. CM-1
   2. CM-2

D. Manufacturing
   1. M-1
   2. M-2
   3. M-3

E. PAD Zone (Planned Area Development)

4.1.2 HP (Historic Preservation) Overlay District

4.2 Boundaries of Districts

Where uncertainty exists with respect to the boundaries of the various districts as shown on the Zoning District Map made a part of this Ordinance, the Following rules apply:

A. The district boundaries are either street lines or alley lines unless otherwise shown, and where the districts designated on the Zoning District Map made part of this Ordinance are bounded approximately by street or alley lines, the street lines shall be construed to be the boundaries of the district.

B. Where the district boundaries are not otherwise indicated and where the property has been or may in the future be divided into blocks and lots, the district boundaries shall be construed as lot lines, and where the districts designated on the map accompanying and made part of this Ordinance are bounded approximately by lot lines, the lot lines shall be construed to be the boundaries of the districts unless the boundaries are otherwise indicated on the map.

ARTICLE 5 SPECIFIC PLAN ZONING

5.1 General

- All property located within the corporate boundaries of the City of Bisbee shall be designated with a specific zoning, as indicated on the approved zoning maps for the City of Bisbee.
- In the event that any existing rights to use, divide, sell or possess private real property are reduced by the enactment or applicability of any land use law enacted after the date of transfer of such property to the owner and such action reduces the fair market value of the property in such a manner as to give rise to a claim for just compensation pursuant to A.R.S. § 12-1134 (Proposition 207), then the City Manger is authorized to issue a binding waiver of enforcement of the particular land use law on the specific parcel of land, as necessary to preclude any claim for such compensation.
- No future divisions of tracts, lots, or parcels resulting in lots in developed areas will be approved.
- Setbacks for existing lots in developed areas shall be determined by setbacks on comparable lots within the area.
- Setbacks for reconstruction may be determined by previous building footprint in case of fire or demolition.
- Building and areas within the Historic Preservation Overlay District shall be subject to standards and procedures outlined in the City of Bisbee Zoning Code (Article 5.3) and these standards and procedures supersede all other zoning requirements.

5.2 R Zone (Residential)

Allowable R zone uses:

Division1. Any one family dwelling, excluding mobile homes and manufactured homes, and including private garages, accessory living quarters, recreational rooms or private stables accessory to the main use, churches, recreational and educational facilities.

Division2. Any use permitted in the R, Division 1 zone, and two family dwellings**.**

Division3. Any use permitted in the R, Division 2 zones and multiple dwellings, apartment houses and condominiums. Density shall be determined by the Site Plan Committee.

The Use Matrix**.** Appendix Figure One, further details allowed Uses.

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

Table 5.2– R Zone Regulations
(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
1	35,000	125	150	25	10	30	35
	20,000	100	125	20	5	25	35
	10,000	75	100	20	5	25	30
	6,000	60	90	15	5	20	30
2	10,000	60	70	20	5	20	30
	6,000	60	70	15	5	20	30
3	6,000	60	70	15	5	20	30

5.2.1. Home Occupations.

Home Occupations that meet the following criteria are permitted, without need for additional approval, in all residential dwellings provided that:

1. The home occupation is incidental and subordinate to the primary use of the property as a residence. Uses that do not exceed more than twenty-five percent (25%) of the floor area of the dwelling will be deemed to be subordinate to a co-existing residential occupancy.

2. No more than one non-resident of the dwelling may be employed in connection with the home occupation.

3. The use of the dwelling and associated property shall not result in any sustained or loud noises, vibrations, fumes or odors, glare, electromagnetic interference, emissions or other impacts to adjacent properties or utilities that are in excess of what typically results from a residential occupancy.

4. All materials and equipment used and maintained in connection with the home occupation must be used and stored inside of the dwelling, in associated accessory structures, or in some other manner such that the materials and equipment are screened from sight from adjacent properties.

5. The home occupation shall not generate vehicular traffic or any demand for off site parking that is in excess of what is typically associated with a residential occupancy.

6. On site retail or consumer sales may not be the primary function of a home occupation, but may occur incidentally to the occupation.

7. The only signage allowed in connection with the home occupation is an identifying sign not larger than two (2) square feet, located on the inside of a window of the dwelling.

A business use that does not meet each of these standards will require either a special use permit or relocation to a more appropriate site. A home occupation that is conducted in a manner that is consistent with these standards is incidental to a residential occupancy and will not be classified as a “business,” “trade” or “occupation” for purposes of the Business License Tax rules of the Bisbee City Code. No business license will be required for a home occupation that is conducted in compliance with these requirements.

5.2.2 RM Zone (Manufactured Home Residential)

The principal land use is for the installation and occupancy of a manufactured home or a rehabilitated mobile home to be used as a single family dwelling, with incidental or accessory uses. All uses allowed in the R Zones are permitted in the RM zones and the R Zone Regulations apply. Mobile homes shall not be allowed as a new use on any site within the City of Bisbee, except as expressly authorized in this article. Mobile homes that are legally established within the City on or before March 1, 2006, are allowed to remain on any site within the City and any such mobile home may be relocated to an existing site within any existing mobile home park, provided that the mobile home meets the requirements of Article 6 for installation and skirting.

Manufactured Home Parks shall only be allowed within RM Zone areas and shall require special use permit approval prior to construction.

The Use Matrix, Appendix Figure One, further details allowed uses.

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

5.2.3 C Zone (Residential/Commercial)

Allowable C Zone uses:

Division1. Any residential, office, retail, automobile service station, restaurant, day-care center, churches, recreational and educational facilities, small–scale retail and personal service use that serves the day-to-day needs of the residents of the surrounding area

Division2. Any use permitted in the C, Division 1 zone and residential, nurseries, physical fitness centers, community and fraternal clubs, libraries and governmental offices.

Division3. Any use permitted in the C, division 2 zone and supermarkets, department stores, hospitals, automobile sales, lumber yards, wholesale outlets, printing plants, cocktail lounges and taverns, self-storage centers, theaters, bowling alleys, museums, hotels and motels, except residential.

Division4. Any use permitted in the C, Division 3 zones and large scale retail, commercial and wholesale uses, bakeries, storage yards, distributors, machine shops and woodworking shops, except residential.

Table 5.2.3A C Zone Regulations
(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
1	6,000	30	70	0	0	0	30
2	N/A	30	70	0	0	0	40
3	N/A	75	100	0	0	0	50
4	N/A	75	100	0	0	0	50

All lots shall have access for firefighting apparatus based on the adopted Bisbee Fire Code.
The Use Matrix, Appendix Figure One, further details allowed uses.

5.2.4 CM Zone (Commercial Mixed Use)

Allowed CM zone uses:

Division1. Any C, Division 1 use. Residential uses allowed.

Division2. Any C, Division 2 use, and cocktail lounges and taverns. Residential uses allowed.

C Zone regulations apply to CM zones.

The Use Matrix, Appendix Figure One, further details allowed uses.

The development or improvement of all such properties shall be done in conformance with the applicable building codes and the Bisbee Fire Code.

5.2.5 M Zones (Manufacturing)

Allowable M Zone Uses:

Division1. Any light manufacturing or industrial use, such as warehouses, research or testing laboratories, product distribution centers, woodworking shops, auto body shops, furniture assembly, dry cleaning plants, machine shops and boat building storage yards

Division2. Any use permitted in the M Division 1 zone and stadiums and arenas, indoor swap meets, breweries, liquid fertilizer manufacturing, carpet manufacturing, monument works and a regional recycling center.

Division3. Any permitted in the M Division 2 zone and auto dismantling yards, alcohol manufacturing, cotton gin, paper manufacturing, quarries, salt works, petroleum refining and similar uses.

Table 5.2.5A M Zone regulations
(In feet unless otherwise noted)

Division	Min. Lot Area (SF)	Min. Lot Width	Min. Lot Depth	Min. Front Setback	Min. Side Setback	Min. Rear Setback	Max Building Height
1	N/A	50	75	0	0	0	60
2	N/A	75	100	0	0	0	80
3	N/A	100	150	0	0	0	80

All lots shall have access for fire fighting apparatus based on the adopted Bisbee Fire Code.
The Use Matrix, appendix Figure One, further details allowed uses.

5.2.6 PAD Zone (Planned Area Development)

The PAD, Planned Area Development, Zone is intended to allow a combination of various types of single family and multi-family housing and compatible commercial and manufacturing uses on one or more parcels or lots. All permitted uses allowed in R, RM, C, CM and M-1 Zones may be included.

To obtain PAD Zone designation, the property owner must submit an application that includes the information required for a Master Development Plan, as described in Article 11.5. For smaller projects or those with a limited range of impacts, the Zoning Administrator has the authority to waive or to limit certain submittal requirements of Article 11.5, as may be appropriate in each particular circumstance. This application may be combined with an application for the approval of a Master Development Plan, where any such plan is required, and shall be subject to the same standards for approval as are described in Article 11.8.

Upon the final approval of the development plan for a PAD Zone and the rezoning application, the property shall be designated as PAD Zone property. The property owner or developer may use the PAD Zone property for the specific types of uses that are designated in the approved plan, at the locations that are specified in the plan.

Minor amendments to an approved plan for a PAD Zone property may be authorized by the Zoning Administrator. A “minor amendment” is an alteration that is in accord with all applicable Zoning Regulations in effect at the time of requested change; that is consistent with the purpose and scope of the approved plan; that is unlikely to result in any increase in off-site impacts; and that is consistent with the General Plan, as applicable at the time of the proposed change. Any proposed amendment that is other than a “minor amendment” shall require formal approval in the same manner as an original application.

5.3 HP (Historic Preservation) Overlay Zone

5.3.1 Purpose

The Historic Preservation Overlay Zone or Historic District is intended to protect, preserve and enhance the City’s character, historical significance and distinctive architecture. This zone enhances the City’s general health, safety and welfare. The Historic Preservation Overlay Zone is superimposed over other zones. Land use zoning designations are defined in Section 5.2, but the general regulations on lot area, width, depth, building height and setbacks do not apply within this District. The particular regulations for the Historic District are specified within the Special Provisions for the Historic District.

5.3.2 Special Provisions for the Historic District

A. Building Heights.

1. The maximum building height and size for a new or renovated commercial structure or multiple family residential structure shall be determined by the Design Review Board, based upon the heights and sizes of the surrounding properties and the public interest in maintaining compatible mass and scale within this District; the public interest in maintaining the public views of the District and surrounding mountainsides that could be impacted by a particular structure; and the public’s overall interest in maintaining the compatible characteristics of the commercial areas within the District.

2. The maximum building height for a new single family residential structure shall be twenty-three (23) feet, provided that the Design Review Board has the authority to increase or decrease this height limit by up to six

(6) feet if the Board makes a specific finding that any such adjustment is consistent with the public interest in maintaining compatible mass and scale in the District; preserving the public views of the District and surrounding areas; and protecting the public interest in maintaining the compatible characteristics of the particular area, including the protection of access to air and light for adjacent properties.

3. The maximum building height of an existing single family residential structure that is subject to remodeling, renovation or an addition shall be not more than the height of the existing structure or the height of a new single family residential structure, whichever is greater. If the standard for new structures is applicable, the Design Review Board may adjust this height in the same manner and based upon the same factors as are applicable to a new structure.

4. The maximum building height of a new, remodeled, or renovated accessory building shall not typically be more than nineteen (19) feet. The Design Review Board may increase this height for an appropriate accessory use that is subordinate in size and scope to the primary structure, that is compatible in mass and scale with the structures in the immediate area of the District, and that is not inconsistent with the other public interests expressed in paragraph 2 above. In no event shall the height of an accessory structure be greater than twenty-nine (29) feet. The Design Review Board may also require a reduction in the proposed height below nineteen (19) feet, where such adjustment is warranted by these same factors. Any such adjustment, either up or down, shall require a specific finding by the Board explaining the reasons for any such adjustment.

5. Each of these heights shall be measured along a vertical line from the lowest point of the grade abutting the building to a perpendicular line extended from the highest gross elevation of the structure.

6. In the event that an applicant who is seeking to obtain approval for any increase in the maximum height of a structure may fail to provide sufficient information to allow the Design Review Board to make the required determinations, the Board, at its discretion, may table the application and require the applicant to provide additional information, in form of graphic design information or other means, which will provide a more complete depiction of the potential impacts of any such project.

B. Set Backs.

1. The minimum set backs for a new single family residential structure or accessory building shall be not less than the following:

   a. Front set back of not less than ten (10) feet.

   b. Side set back of not less than five (5) feet.

   c. Rear set back of not less than ten (10) feet. Accessory structures may be located within three (3) feet of the rear lot line if this will not adversely impact the adjacent property.

2. In those areas in which there are established front or rear set backs for the existing developed properties within the same or adjacent blocks that are greater than or less than ten (10) feet, the Design Review Board may increase or decrease the front or rear set back for new structures as necessary to maintain the uniform characteristics of that particular street frontage.

3. Renovations, repairs and additions to existing single family residential structures and accessory structures shall not reduce the existing set backs to less than what is required for new residential structures or to less than what currently exists, whichever is the lesser distance, unless the Design Review Board makes a specific finding that this construction will be consistent with the uniform characteristics, if any, of the adjacent properties and that any such reduction will not adversely impact adjacent properties.

C. Maximum Residential Building Size.

The maximum area within the exterior perimeter (the building footprint) of a new single family residential structure within the District shall be two thousand (2000) square feet. Existing structures shall not be remodeled or added to in a manner that increases the area of the structure beyond this limit unless the Design Review Board makes a specific finding that any such expansion is compatible with the mass, scale and shape of the of other properties in the immediate area and consistent with the interests to be protected by these regulations.

D. Division of Building Lots and Minimum Lot Size.

1. Within the District, the legal descriptions, sizes and shapes of existing, adjacent lots may be adjusted, re-described or corrected by sales or exchanges between the property owners without further approval provided that there is no net increase in the number of residential or commercial lots within the District.

2. The minimum lot size for any lawfully authorized and newly created building site, resulting from a split of another existing lot or parcel, within the District shall be not less than four thousand (4000) square feet.

5.3.3 Historic District Design Review Board

The intent of the Design Review process as applied within the Bisbee Historic District is to:

A. Improve and encourage uses leading to the conservation and/or rehabilitation of buildings, structures, sites, objects and spaces within the Historic District, while allowing for a vibrant, creative and livable community.

B. Encourage harmonious growth and orderly development.

C. Assure that future setting, design and construction will correspond to and enhance the visual characteristics of the district.

D. Prevent construction, alteration or remodeling from occurring in a manner that would be detrimental to the historical or visual characteristics of the district.

5.3.4 Criteria for Plan Evaluation

The historic and architectural characteristics of an alteration to an existing structure or of a proposed new structure shall:

A. Properly preserve and/or generally conform to the character of the structures located with the district as defined in the Design Guidelines for the Bisbee Historic Districts.

B. Adhere to the "Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring, and Reconstructing Historic Buildings".

5.3.5 Historic District Criteria for Alterations/Secretary of Interior Guidelines

A. Secretary of Interior Guidelines for Rehabilitation and their Interpretations

1. Every reasonable effort shall be made to provide a compatible use for a property which requires minimal alterations of the building, structure, or site and its environment, or to use a property for its original intended use.

2. The distinguishing original qualities or character of a building, structure or site, and its environment shall not be destroyed. The removal of alteration of any historic or distinctive architectural features should be avoided when possible.

3. All buildings, strikers, and sites shall be recognized as products of their own time. Alterations that have no historical basis and which seek to create an earlier appearance shall be discouraged.

4. Changes which may have taken place in the course of time are evidence of the history and development of a building, structure, or site and its environment. These changes may have acquired significance in their own right, and this significance shall be recognized and respected.

5. Distinctive stylistic features or examples of skilled craftsmanship which characterized a building, structure, or site, shall be treated with sensitivity.

6. Deteriorated architectural features shall be repaired rather then replaced, whenever possible. In the event of replacement is necessary, the new material should match the material being replaced in composition, design, color, texture, and other visual qualities. Repair or replacement of missing architectural features should be based on accurate duplications of features, substantiated by historic, physical pictorial evidence rather than on conjectural design or availability of different architectural elements from other building or structures.

7. The surface cleaning of structures shall be undertaken with the most gentle means possible. Sandblasting and other cleaning methods that will damage the historic building materials shall not be undertaken.

8. Every reasonable effort shall be made to protect and preserve archeological resources affected by or adjacent to any project.

9. Contemporary design for alterations and additions to structures shall be constructed so that, if the addition or alterations and additions do not destroy significant historical, architectural or cultural material. Also, if the design is compatible with the size, scale, material, and character.

10. Whenever possible, additions or alterations to structures shall be constructed so that, if the addition or alteration is later removed, the essential form and integrity of the structure would be unimpaired.

B. New construction design shall be compatible with volume, mass, scale, color, material, and textures of the Bisbee Historic District.

C. Mobile homes shall not be permitted with the boundaries of the Bisbee Historic District

D. Manufactured homes and modular buildings shall not be permitted within the Bisbee Historic District except upon a Design Review Board determination that the proposed structure is consistent with the Design Guidelines and all applicable standards for this district.

E. Fences, walls, or other physical features used to enclose open space or provide privacy shall be compatible with the architectural style of the subject property and compatible with other historic structures within the Historic District and reflect the historic period of the district.

F. Any existing building, structure, or appurtenance thereto in the Bisbee Historic District which does not meet the requirements of the district's criteria shall be considered nonconforming except for repairs and maintenance. No nonconforming building or structure may be added to or altered in any way unless the proposed addition or alteration will bring the whole to a higher degree of conformity with design components of the district.

5.3.6 Historic District Definitions

Within the Bisbee Historic District, the following words shall have the indicated meanings:

A. Historic site, structure, or landmark – a site or structure with special significance including attached signs which:

1. Is documented as dating from a particular significant period(s) in Bisbee's history;
2. Is associated with the lives of historic people, significant historic events or occurrences;
3. Exemplifies the architectural period in which it was built and has distinguishing characteristics of an architectural style or method of construction;
4. Contributes information of archaeological, historical, cultural or social importance relating to the heritage of the community; and/or;
5. Relates positively to buildings in the immediate vicinity in terms of scale, size, massing, etc., so that its removal would be an irreparable loss to the setting.

B. Intrusion – a structure which detracts from the districts sense of time and place or its architectural continuity.

ARTICLE 6 GENERAL PROVISIONS

6.1 Additional Height Restrictions

Accessory structures or appurtenances such as chimneys, church steeples, cooling towers, or necessary mechanical equipment shall not require a Special Use Permit unless they exceed the maximum building height of the principal building to which they are attached by more than eight (8) feet. Article 10 details wireless communication tower requirements. (O-00-20). Authorization for the construction of other free-standing towers and similar structures shall be obtained through the Special Use Permit process.

6.2 Height Limitations for Corner Lots

The height of all structures, including sight obstructing fences, walls and ornamentation, and landscaping located on corner lots within the area of the sight triangles necessary for viewing intersecting traffic shall be limited to not more than three (3) feet. For the purposes of this requirement, the sight triangle at each intersection shall be that area of the lot formed by extending the legs of this triangle twenty (20) feet from the corner of the curb or right-of-way boundary in each direction along the lot lines and joining these legs by a hypotenuse that extends through this lot. If a more comprehensive study, performed by either the Zoning Inspector or by the property owner, and conducted in accordance with standard traffic engineering practices, indicates that a larger or smaller sight triangle may be appropriate in a particular circumstance, the results of the more detailed study shall be used.

6.3 Additional Area Regulations

6.3.1 Accessory Buildings

A. No accessory building shall be constructed on a lot before the construction of the main building has begun.

B. No accessory building shall be used for dwelling purposes.

C. No accessory building, other than a private garage or carport, shall be permitted in a front yard.

D. Accessory buildings shall not be constructed closer than three (3) feet to the side or rear lot line. Private garages and carports shall not be constructed closer to the front lot line than the distance that is required for the front setback of the principal structure on that lot.

6.3.2 Projections Near Property Boundaries

A. Balconies, stairs (other than as required under the building and safety code), porches, and decks may not project closer than two (2) feet from the property boundary. The applicable building and safety code may require additional fire protection measures or limitations for certain projections into the boundary areas between adjacent properties.

B. No projections beyond the recognized property lines will be permitted.

6.3.3 Basement or Cellar Occupancies

No basement or cellar shall be occupied for residential purposed until construction of the remainder of the building has been completed.

6.3.4 Temporary Buildings

Temporary buildings used in conjunction with the construction work shall be permitted during construction. These temporary building must be removed within nine (9) months of completion or abandonment of the construction work.

6.4 Walls and Fences

Walls and fences shall meet the following requirements, and shall be subject to the requirements of Section 6.2, as applicable:

A. On property zoned R or RM, Residential, walls and fences:

1. Shall not exceed four (4) feet in height in the front yard and in that portion of the side yard that is between the front lot line and a parallel line extended from the front of the main building to the side lot line.
2. Shall not exceed six (6) feet in height in the remaining portion of the side yard and rear yard.
3. Shall not obstruct the view within the sight triangle as needed for viewing intersecting traffic on corner lots.

B. On property zoned C and M, Commercial and Manufacturing, walls and fences:

1. Shall not exceed eight (8) feet in height.
2. Are required for screening on the side and rear property lines where commercial and industrial uses are adjacent to residential districts, and shall be constructed of masonry, wood, or slatted chain link fencing or approved landscaping, as necessary to be sight-obscuring, and shall be maintained in this condition. Screening fences shall not be less than six (6) feet in height and may be required to be up to eight (8) feet in height, if necessary to effectively screen the adjacent residential properties, under the particular circumstances.
3. Shall be set back sufficiently from the property lines on corner lots to avoid interference with the sight triangle as needed for viewing intersecting traffic on corner lots.

C. Parks, Utilities, and Government Maintenance Yards

1. Open fencing not to exceed eight (8) feet in height may be placed around parks, utilities, and government maintenance yards for security and safety.

6.5 Landscaping and Open Space

A. Native landscaping is encouraged on all developments.
B. A minimum of 10% of the site for all projects in all zones shall be landscaped. This does apply to the Historic Zone.
C. Parking and maneuvering areas are not considered part of the required open space.

6.6 Proximity to Runways and Landing Strips

No building or structure that would constitute an “obstruction,” as that term is defined under applicable federal regulations, shall be permitted.

6.7 Manufactured Homes in the RM Zone

Manufactured homes placed in the RM Zone shall meet the following minimum standards:

A. Each manufactured home placed in the RM Zone shall be permanently affixed with a decal or label certifying that the dwelling has been inspected and manufactured in accordance with the June 15, 1976 rules, regulations and requirements of the United States Department of Housing and Urban Development, as amended, or such other insignia as may be authorized by law.

The decal or insignia of approval shall be conspicuously affixed to the dwelling and shall not be removed or altered in any manner.

Each rehabilitated mobile home placed in the RM Zone shall be permanently affixed with a Rehabilitation Certificate certifying that the dwelling has been inspected and found to meet or exceed the minimum standards of the State of Arizona Department of Housing, Office of Manufactured Housing for rehabilitated mobile homes.

B. **Permit.** The installation of any manufactured home or rehabilitated mobile home shall be subject to the issuance of a permit by the City Building Inspector, or his designated representative. Prior to the issuance of the permit, the City Building Inspector, or his designee, shall ensure that such installation or construction, as well as the proposed occupancy, conforms to applicable federal and state manufactured housing regulations, plus applicable local ordinances.

C. **Skirting**. As a condition for the issuance of any final installation permit, skirting enclosing the entire perimeter of the manufactured home or rehabilitated mobile home shall be installed, in accordance with the State standards. The skirting shall enclose the entire area between the finished floor level of the home and the ground surface; shall be constructed of durable materials, firmly affixed to the home; and shall be finished to match the home.

D. **Installation**. The manufactured home or mobile home or rehabilitated mobile home shall be set upon appropriate footings and installed as required by the applicable State regulations. Any device used to transport a manufactured home to the site of installation, including, but not limited to, the hitch, wheels, axles, or other devices used primarily for transport, other than the chassis, shall be detached from the dwelling as part of the installation process and removed from the site or put in covered storage.

E. **Plan Submittal**. Notwithstanding any other provision or language of the Bisbee Zoning Code, any application for a permit for installation of a manufactured home or rehabilitated mobile home, including any addition or modification thereto, shall be accompanied by a site plan for review by the City Building Inspector or his designee, to determine compliance with this Article, applicable State law and other local ordinances. The site plan shall be drawn to scale and shall contain complete dimensions of the lot or parcel upon which the dwelling is to be installed or constructed, as well as the dimensions and location of the dwelling on the lot or parcel, plus finished floor levels and all setbacks from property lines. The points of connection for all utilities shall be designated on the site plan.

6.8 Outdoor Storage

A. Permanent outdoor storage means the presence of item(s) on a parcel for a period of thirty (30) or more consecutive days. This term shall not include the maintenance of garden and landscape improvements, garden tools, recreational equipment, outdoor furniture, patio improvements, outdoor cooking devices, monuments, and decorative items, provided that all such items are reasonably incidental and accessory to the residential use of any property.

B. No portion of any front yard, being that area between the front lot line and a parallel line extended from the front of a main building to the side lot lines, shall be used for permanent outdoor storage on a parcel in any district except Commercial (C) and Manufacturing (M). Building materials that are being stored for use on any site during the time a valid building permit is in effect for construction on the site may be stored in any area of the site.

C. Trailers, campers, trucks, vans, buses or parts thereof shall not be used for permanent outdoor storage on a parcel in any District Except Commercial (C) and Manufacturing (M), unless building materials are being stored for use on the site during the time a valid building permit is in effect for construction on the site.

D. No side yard, being that area between the front yard and the back yard, that is less than five feet in width shall be used for permanent outdoor storage.

E. No back yard, being that area between the rear lot line and a parallel line extended from the main building to the side lot lines, or side yard shall be used for permanent outdoor storage of appliances that are not currently connected to power or water and being used as intended, waste tires, indoor furniture, or junk, unless all such materials are maintained in an enclosed area and not visible from surrounding properties or roadways.

F. All materials that are stored or maintained in a back yard or side yard shall be maintained in an orderly manner as necessary to provide appropriate emergency access to all structures on the property and to avoid creating a hazardous condition.

6.9 Vehicle Storage

Nothing in this section shall prohibit a licensed business from conducting its legal activities. A licensed business may maintain such vehicles as are reasonably related to its operations, subject to any conditions that may be included in its permit.

A. The provisions of Section 6.8 regarding the permissible locations for permanent storage shall also be applicable to the storage or maintenance of motor vehicles, provided that motor vehicles may be parked or stored in an established driveway or parking place, subject to the provisions below.

B. No more than one (1) inoperable motor vehicle, or significant parts thereof, may be stored or maintained on any parcel unless all such vehicles are stored within an enclosed area and screened by fencing or otherwise so that none of the vehicles are visible from surrounding properties and roadways. For purposed of this section, an "operable vehicle" means a motor vehicle that is both physically and legally capable of being driven under its own power on a public road. An "inoperable vehicle" is one that fails to meet one or both of these conditions and that has not been repaired or restored to such condition within thirty days of receiving notice from the Code Enforcement Officer or Zoning Inspector.

C. All vehicles deemed abandoned shall be removed at the owner's expense upon the formal request of the Zoning Inspector. Reasonable effort shall be made by the Zoning Inspector to notify the registered owner of the violation so that he or she may remedy the situation. The property owner shall be responsible for removing each abandoned vehicle remaining on his or her property if the registered owner fails to act following a request or cannot be located.

D. The storing of three (3) or more junk vehicles in an area not enclosed shall be considered an operation of a junk yard which is not permitted in the residential or commercial zones.

6.10 Pool Safety

A swimming pool, or other contained body of water that contains water eighteen (18) inches or more in depth at any point and that is wider than eight (8) feet at any point and is intended for swimming, shall be entirely enclosed by at least a five (5) foot wall, fence or other barrier as measured on the exterior side of the wall, fence or barrier. All fences shall be self-closing and self-latching, with the latch located at a height of at least fifty-four (54) inches and have no openings in them through which a spherical object four (4) inches in diameter can pass. This section shall not apply to:

A. A system of sumps, irrigation canals, irrigation flood control or drainage works constructed or operated for the purpose of storing, delivering, distributing or conveying water.

B. Stock ponds, storage tanks, livestock watering troughs or other structures used in normal agricultural practices.

6.11 Effect of Establishment of Zoning Districts

No building or land shall be devoted to any use other than a use permitted in the zoning district in which the building or land is located, with the exception of the following:

A. Uses lawfully established as of the effective date of the comprehensive amendment.

B. Special Uses when allowed by permit in accordance with the zoning district in which the building or land shall be located.

C. Analogous uses.

D. Accessory uses customarily incidental to the permitted uses.

6.12 Clearing Land

A. No surface area of vegetation, soil or rock greater than four thousand (4000) square feet in area shall be cleared, graded or excavated on any undeveloped lot or parcel of land prior to the issuance of a building permit, the approval of a preliminary subdivision plat, approval of a special use permit, or the City's written approval in some other form for the development of such property.

B. In connection with the issuance of any approval of development for previously undeveloped property, the Zoning Administrator shall impose reasonable requirements on the method and manner of land clearing and grading to reduce the dust, erosion and run-off resulting from any such activity. For projects that will include clearing, grading or excavating more than one acre of land, the applicant shall be required to produce an analysis of the impacts on adjacent properties resulting from this activity and to submit a proposed course of action that will minimize any such adverse impacts.

C. These requirements shall not prevent mowing of grasses or weeds, gardening, agricultural cultivation or the regular maintenance of any existing roadway. These requirements shall not be applicable to any development which is exempt from the permitting requirements of this City.

6.13 Community Gardens

A. Purpose and Authorization.

Community Gardens provide a beneficial means to enhance sustainability through the local production of food; to promote a healthy lifestyle; and to bring members of the community together for a worthwhile purpose. Community Gardens that meet the criteria of this Section shall be permitted, without the need for any additional approval, in all Residential Zones, including all CM Zones, and in the C-1 Commercial Zone.

B. Definition of a Community Garden

A "Community Garden" is single area of land that is collectively cultivated, for the production of food crops or ornamental crops, by two or more persons who do not reside upon or own the subject property. The garden area may be divided into individual plots and allocated to each of the individual participants, or cultivated as a single unit by the group. The organization and management of the community garden is to be determined by the owner of the property and the participants. The only organizational provision required by these regulations is that the owner of the property consent in writing to the use of the subject property for this purpose.

C. Criteria for a Community Garden

1. A Community Garden is distinguishable from an urban farm, fits within the existing neighborhood community, and shall have a maximum total area of Ten Thousand (10,000) square feet of garden area.

2. The hours of operation of the garden may be from dawn to dusk, but no motorized equipment shall be used before 7 A.M. and after 6 P. M. All work on the site shall be performed in a manner that minimizes all potentially adverse impacts upon surrounding properties, both public and private. No water shall be permitted to run off or escape the site. Any use of pesticides and herbicides shall be in strict compliance with the label directions and controlled so that no such materials escape from the boundaries of the garden area.

3. No on-site sales to the public of any products or materials are permitted at the Community Garden site. The Farmers' Market and similar commercial areas are available for any associated commercial transactions.

4. No animals, including poultry, may be housed or maintained at the Community Garden site.

5. All lighting used on the site must comply with the City of Bisbee Light Pollution Code.

6. The height of fences and walls surrounding the garden shall not exceed six (6) feet and shall be subject to the general rules of this Code applicable to walls and fences if any such walls or fences are located within a sight triangle, on or near a roadway intersection. Cyclone, chain link, poultry netting and other similar modern fencing may be used for these purposes in the Historic District, provided that for properties located with this District, the owner must remove any fencing that does not comply with the applicable Design Guidelines within 60 days after the site ceases to be used as a Community Garden.

7. Signage for the Community Garden shall be limited to a single sign, of not more than Two (2) square feet, that identifies the name of the community group responsible for the garden and that may include contact information. Any sign meeting these requirements shall be exempt from the sign permit requirements.

8. Prior to beginning operation at the site, the person or persons responsible for the Community Garden shall provide the Community Development Director with a written statement that identifies the person or persons responsible for the management of this garden by name, address and phone number; that specifically describes the location of the garden by address and parcel number; and that identifies the owner of the subject property by name, address and phone number, together with the signed consent of the owner.

9. If the responsible parties are not able to conduct their operations in a manner that is consistent with these criteria, a special use permit shall be required as a condition for the use of that site for the purposes of operating any form of community gardening activity.

D. Exemptions for Community Gardens

1. A Community Garden shall not be required to include or provide on-site or off-site parking for vehicles.

2. Accessory buildings to be used only for garden purposes may be constructed on the garden site without any requirement for the construction of a main or principle building, providing that any such accessory structure is only a single story, not higher than twelve (12) feet, not larger than one hundred and twenty (120) square feet in area, and is used only to store materials and equipment for the garden. The set back rules shall be applicable to this structure. Any accessory building constructed on a garden site under this exception must be removed by the property owner within 60 days after the site ceases to be used as a Community Garden.

3. No building permit or design review approval shall be required for the construction or installation of cold frames, hoop frames, or accessory buildings, including a detached green house within the garden, provided that no such structure is larger than one hundred and twenty (120) square feet in area, no higher than twelve (12) feet, and that any such structure is used only for garden storage or the propagation or protection of plants. The set back rules shall be applicable to any greenhouse structure.

4. The on-site construction or installation of irrigation lines and water storage containers shall not require a building permit. All applicable permits shall be required for any construction or installation that includes a connection to a public water supply, other than by a removable garden hose connected to an existing hose bib; a connection to a public wastewater system; or a connection to any electric or gas utility line.

6.14 Prohibition of Occupancy of Vehicles and Trailers for Residential Purposes; Authorization of Temporary Occupancy.

A. Except as allowed in an Alternative Lodging Park through a special use permit, buses, motor vehicles, recreational vehicles, trailers, semi-trailers and travel trailers, as those terms are defined in this Code and the Arizona Revised Statutes, shall not be used as residential dwellings or for permanent occupancy in any zoning district. Properly licensed and registered recreational vehicles and travel trailers only may be used for temporary occupancy, subject to the conditions and limitations stated below.

B. A properly licensed and registered recreational vehicle or travel trailer may be used for temporary occupancy by a guest or visitor on a lawfully occupied residential property, provided that such use does not exceed 30 days per year at that location; does not exceed 30 days in any one continuous time period; and provided further that all applicable terms and conditions of this section are met.

C. For any temporary occupancy of a recreational vehicle or travel trailer on a lawfully occupied residential property:

1. No fees or compensation may be charged for such use by the owner or occupant of the residential property.
2. The vehicle or trailer must be either fully self-contained with sanitation facilities or the occupants must have full access to existing sanitation facilities located on that property.
3. If a generator is used in connection with the vehicle or trailer, that usage must limited the daylight hours only.
4. No more than two such vehicles or trailers are allowed on any one residential location at any one time.
5. For any such occupancy that will exceed seventy-two (72) hours or extend over a four day period, the owner or occupant of the residential property must obtain a permit issued by the Zoning Administrator or Code Enforcement Officer specifically authorizing any such extended use.

D. A properly licensed and registered recreational vehicle or travel trailer may be used for temporary occupancy by a property owner, contractor or worker who is constructing a building upon that site, provided that a building permit has been issued for this work. This temporary occupancy shall not exceed the completion of construction, and is conditioned upon reasonable progress being made on this work during the entire time of this occupancy.

E. Any utility connections made to a recreational vehicle or travel trailer during any authorized temporary occupancy, for purposes of providing water, electricity, gas, sewer service or otherwise, shall comply with all applicable building and safety codes of the City of Bisbee. Any electrical connections to the vehicle or travel trailer shall comply with the requirements of Article 551.71 of the National Electrical Code.

6.15 Solar Energy Devices

A. The City of Bisbee supports the use and development of solar energy devices as an important means to make this community more self-sustaining, to reduce the amount of non-renewable energy used in this area, and to improve the quality of our environment. There are however, certain situations in which the use of these beneficial devices must also be balanced with other significant interests in this community and the interests of the owners of the surrounding properties. The purpose of this Code section is to help to achieve the appropriate balance of interests that is necessary for a viable, sustainable community.

B. Within the City of Bisbee, outside of the designated Bisbee Historic Preservation Overlay District, the installation of solar energy devices on the roofs of existing or permitted buildings, no higher than sic(6) feet above the roof surface, measured from the mounting location, or which do not exceed the limits of the following paragraph E.2, shall be subject to compliance with all applicable building and safety codes, but shall not require any additional form of public review.

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 Inspector, shall be subject to compliance with all applicable building and safety codes, and shall not require any additional form of public review. 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 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 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. 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.

D. For all building permits authorized pursuant to this Article, installation plans signed and sealed by a licensed engineer or architect shall not be required in connection with the building permit for installation of the device unless, due to the proposed size and shape of the particular device, the Building Inspector has a reasonable belief that this particular device may pose a hazard to the structure, its occupants, or the surrounding properties, as shall be explained in a written request for any such additional approval. Solar devices shall not be subject to any additional height restrictions in this Zoning Code and their additional height shall not be included in the determination of the maximum height of the building or structure. Roof mounted solar devices shall not extend beyond the perimeter of the supporting building or structure. No solar device shall be constructed or maintained within or over the required set back area for that property.

E. The following criteria will determine whether or not a particular solar device installation will be subject to additional public notice and review. The public notice process described in the following sections shall be applicable for those proposed solar device installations for which any of the following are true:

1. any part of the solar device installation will be located more than six (6) feet above the roof surface, as measured from the mounting surface; or

2. the solar device will not be located on a roof surface and will have a cumulative foot print or total surface collection area in excess of six hundred (600) square feet or a maximum height of more than ten (10) feet above the existing grade; or

3. for applications for projects within the Bisbee Historic District, the Building Inspector has determined that the application is not consistent with the Design Principles in paragraph C. above.

F. If the public notice process is applicable, the applicant must present to the Building Inspector a description of the proposed project with a conceptual drawing or scaled rendering of where the proposed solar devices will be located on the property and the proposed sizes and heights of each such device, together with any additional description of the project and the reasons for its proposed design and location, that the applicant is able to provide. The applicant is not required to present final engineering plans at this stage, but should attempt to provide sufficient information to assist the adjacent property owners in understanding the nature and extent of the project. The applicant is encouraged to provide the most realistic presentation of the exterior elevations and relative heights of the proposed project to the surrounding structures as can be feasibly provided within the time and resources available.

G. The Building Inspector will send a copy of these materials to the owner, as determined by the available Assessor records, of each property located within three hundred (300) feet of the subject property, together with a notice indicating that:

1. The applicant may be able to provide additional information about this proposed project, with contact information for applicant; and

2. The date, time, and location of any neighborhood meeting, if any, that the applicant has scheduled to discuss this project; and

3. The date and time of the public hearing scheduled for this application. For applications for projects located within the Bisbee Historic District, the hearing shall be scheduled before the Design Review Board. For all other applications, the hearing shall be scheduled before the Planning and Zoning Commission.

H. If a public hearing is required, a meeting will be scheduled at the soonest possible date that is sufficient to allow written notice of not less than ten days to the applicant and adjacent property owners. At the hearing, the designated public body shall consider such information as the applicant, the property owners, and anyone else who may be qualified to offer an informed opinion on the issues may provide. The public body shall review the following issues:

1. Whether the proposed installation is a reasonable facility for that location, given the needs of the applicant and the potential impacts upon the surrounding properties? The potential impacts upon surrounding properties that may be considered include, but are not limited to, whether the installation would shade other properties; block views; reflect glare, light, or heat; cause water run-off; or generate noise that may be heard off-site; or generate noise that may be heard off-site. Within the Historic District, potential impacts may also include impacts on the protection and preservation of the District, its attributes, and its contributing properties.

2. Whether the proposed location on the subject property is necessary or appropriate for the safe, efficient, and economical installation of this installation, or whether an alternative location with less potential off-site impacts may be suitable for the installation?

3. Whether there are other potential mitigating actions that could be reasonably taken to lessen the potential impacts of the proposed installation upon adjacent properties?

I. At the conclusion of this hearing, the public body may either approve the proposed installation; condition its approval of the installation upon other measures or the use of another suitable location, as necessary to minimize adverse impacts, without significantly compromising the efficiency of the device; or deny the application and request the applicant to review other means to achieve the desired results, with lesser adverse impacts upon the community.

J. For purposes of this Article, the term “solar device” means a system or series of mechanisms designed primarily to provide heating, to provide cooling, to produce electrical power, to produce mechanical power, to produce biological sources of combustible fuel, or to provide any combination of the foregoing, by means of collecting and transferring solar generated energy into such uses either by active or passive means. Such systems may also include the capacity of storing energy for future utilization.

ARTICLE 7 SIGN REGULATIONS

7.1 Purpose

The regulation of signs within the City of Bisbee is necessary to protect and to enhance the economic well-being of this community, to preserve the aesthetics and the historic character of this unique city, and to provide necessary protection to the traveling public through the limitation of unnecessary distractions and obstructions. These sign regulations shall be interpreted and applied to accomplish these goals, while at the same time allowing signs to be used in a reasonable manner as a means of both commercial and non-commercial communication, for the benefit of individual property owners and as may be required by other applicable law.

7.2 Requirements and Procedures

7.2.1 Permit requirements

An approved sign permit is required prior to the installation and maintenance of any sign that is not specifically exempted by these regulations. Any person who places, installs or maintains any sign within in the City of Bisbee in a manner that violates these regulations may be subject to the penalties provided in this Zoning Code.

7.2.2. Signs Exempt from Permit Requirements

The following types of signs, as described herein, shall be allowed in all zoning districts of the City and shall not require a sign permit. These exempt signs shall be subject to any specific standards stated below for each designated type of sign and shall be installed and maintained in a manner that does not violate the general requirements applicable to the installation of all signs, as stated in this Article. Except for traffic control devices, exempt signs may not include internal, direct or indirect lighting or electrification.

A. Name plate signs and address signs. A name plate sign indicates the name of the family or other occupant of the structure or the name of the building and does not exceed two square feet on any face. An address sign indicates the street name and address for the property and may not exceed one square foot on any face.

B. Historic designation plaques. An historic designation plaque indicates the name and date of the structure and may include a brief description of the property. It shall not exceed three square feet on any face.

C. Temporary signs. A temporary sign is one for a specific event, such as for a grand opening, a community gathering or fund raising event, garage or yard sale or some other circumstance that will not reoccur more often than on an annual basis. These may include banners, streamers, balloons and other types of specialty signs. Temporary signs shall not be maintained for a period longer than thirty days and those associated with a particular event must be removed within five (5) days of the end of the event.

D. Political or public speech signs. Campaign signs and other signs supporting or opposing a particular candidate or official, cause, party or position do not require a permit unless any such sign is erected in a manner or at a height that requires specific approval under these or other applicable regulations. Within a residential zoning district, the size and construction of any exempt sign shall not exceed the limits of a reasonable residential accessory use. Within a commercial or manufacturing zoning district, any such sign shall not exceed the size and height limitations imposed on signs in those districts.

E. Real estate sale or rental signs. Real estate sale or rental signs are signs located on the subject property, or other property in the vicinity of the subject property, advertising the sale or lease of the property and not exceeding seven (7) square feet in area on any face.

F. Home occupation sign. A home occupation may be identified by a sign not larger than two (2) square feet located on the inside of a window of a dwelling.

G. Traffic control and directional signs. Traffic control and directional signs are signs located within or adjacent to the public right-of-way, installed by or on behalf of a public agency, and conforming to the requirements of the manual on uniform traffic control devices. These may also include directional and control signs on private property developments where such signs are required in connection with the approval of the project.

H. Sandwich board and other portable signs. A sandwich board, A-frame or free-standing portable sign may be located on the subject property or in the vicinity of the subject property provided that the sign does not exceed four feet in height and the sign is removed by the close of business each night.

I. Integral building sign. An integral building sign is one that includes the name of a building, date of construction, persons responsible for the construction, or other similar information regarding the history of the building and that is carved into the building stone or concrete or installed as a plaque permanently connected to the building.

J. “Sign walker” signs. A “sign walker” sign is one that is worn, held or balanced by a person and is not installed or attached to real property.

7.2.3 Applications for Sign Permits

All applicants for a sign permit shall submit a signed application on the form provided by the City. This permit form shall include the following:

A. The name, address and contact information of the applicant.

B. The street address and the specific location of the proposed sign on the subject property.

C. The name of the property owner, if different than the applicant.

D. The name and contact information of the person or firm who will be installing the sign.

E. A specific description of the proposed sign including dimensions, design, height, and materials.

F. A specific description of the manner in which the sign and any supporting structures will be installed and mounted, including construction plans where required by the applicable codes or by the Building Inspector under the authority of any such codes.

7.2.4 Permit Fees

The sign permit fee, as adopted by the Mayor and Council, shall be paid by the applicant at the time that a sign permit application is submitted. The fee for a sign that was installed or erected prior to the issuance of a sign permit shall be twice the amount of the original fee.

7.2.5 Issuance of the Sign Permit.

Upon the submission of a complete and appropriate sign permit application and the payment of the required fees, the Building Inspector, or his or her designee, shall issue an approved sign permit. If the construction, repair, maintenance,

improvement or alteration of any sign also includes activities that require approval under the City's Building Code, Electrical Code, or any other code that has been adopted by the City, authorization for such work may be included within an approved sign permit. The sign permit shall specifically advise the permittee which additional code provisions are applicable and which inspections are required for final approval. Inspections may be required for footing or foundation construction, electrical installation, anchoring connections and lighting functions.

7.2.6 General Requirements Applicable to All Signs

All signs located within the City of Bisbee, including those otherwise exempt from obtaining sign permits under these regulations, must be installed and maintained in a manner that this consistent with these requirements.

A. All signs, other than traffic control devices, directional signs or signs installed or approved by a public agency, shall be located on and attached to private property. Only traffic control devices and directional signs are permitted to be installed or maintained on or within the public roads, streets, alleys, sidewalks or other public rights-of-way of the City of Bisbee. City personnel are authorized to remove all unauthorized signs from City property without further notice.

B. Signs may be located over or across a public right-of-way or sidewalk provided that the sign meets all applicable height requirements under these regulations and the applicable building code and that the sign does not create an obstruction for pedestrians or vehicles that may use the travel way.

C. The owner of the property to which the sign is attached is responsible for the maintenance of the sign. Signs must be installed and maintained as necessary to prevent them from creating hazardous conditions for the traveling public or for occupants of the subject or adjacent properties. Any sign that is constructed of paper, cloth, canvas, light-weight fabric or plastic, cardboard or other light-weight material must be removed or replaced when it becomes torn, dilapidated, disconnected or damaged by the wind, sun, rain or other circumstances.

D. Any lighting or illumination that is associated with a sign must be installed to prevent any direct beam or glare from falling on any adjacent property or travel way, must be shielded as required by applicable City regulations, and must not provide more illumination than the minimum amount that is necessary for the reasonable purposes of the sign.

E. All non-exempt signs and exempt signs with a surface area on any face of more than twenty (20) square feet shall be constructed and installed in a manner that is sufficient to withstand a wind load of not less than thirty (30) pounds per square foot of exposed surface.

F. All signs that exceed more than three (3) feet in height above the adjacent grade shall be located so that they do not interfere with the view of on-coming or intersecting traffic through the sight triangle at a corner or driveway intersection. For purposes of this regulation, the length of the legs of any such triangle shall be twenty (20) feet, in the absence of a specific study performed by either the Zoning Inspector or the property owner, conducted in accordance with standard traffic engineering practices.

G. Billboards, defined as any freestanding sign exceeding fifty (50) square feet in surface area on any one face, are prohibited in all zoning districts in the City of Bisbee.

7.2.7 Message Substitution

These regulations are not intended to infringe upon the ability of a person to communicate with the public in the manner protected by the state and federal constitutions. Nothing in these regulations shall be construed as prohibiting any person, with the approval of the subject property owner, from including or substituting non-commercial speech for the copy of any sign that is otherwise permitted or allowed by these regulations.

7.3 Residential Zone Sign Regulations

The following types of signs may be permitted, upon the submittal of an appropriate application, on property which is located within any R, Residential, or RM, Manufactured Home Residential, zoning district in connection with these specified types of development.

7.3.1 Entrance Signs for Subdivisions which meet the following conditions:

A. These signs may be used to identify the entrance to a subdivision. They shall be limited to a maximum of two (2) signs per entry, and shall be for the exclusive purpose or identifying the subdivision entrance.

B. The overall height of the sign may not exceed five (5) feet.

C. The size of each sign shall not exceed twenty four (24) square feet on each face. This sign may be freestanding.

7.3.2 Identification Signs for Multiple Family Dwellings which meet the following conditions:

A. One wall sign may be placed and maintained upon one building for each street that the dwelling complex abuts.

B. The total sign area of each wall sign shall not exceed twenty four (24) square feet and no part of the sign shall extend above the building plate line. Wall signs may be illuminated by internal or indirect lighting, subject to approval of appropriate lighting plans.

C. One (1) free-standing sign may be placed and maintained on the subject property for each street that the dwelling complex abuts. This free-standing sign:

(1) Shall not exceed twelve (12) square feet in total area per sign face.

(2) Shall include only the name and address of the complex.

7.3.3 Mobile Home and Manufactured Home Park Signs which meet the following conditions:

A. These signs may be used to identify the entrance to the park. They shall be limited to a maximum of two signs per entry, and shall be for the exclusive purpose or identifying the park entrance.

B. The overall height of the sign may not exceed five (5) feet.

C. The size of each sign shall not exceed twenty four (24) square feet on each face. This sign may be freestanding.

7.3.4 Subdivision Development Signs which meet the following conditions:

A. Not more than two (2) thirty two (32) square foot signs for the sale of lots or homes in a subdivision are allowed.

B. These signs shall be erected not less than two hundred (200) feet apart and the signs may be double-sided.

C. No part of any subdivision sign shall be more than fifteen (15) feet above the ground level or closer than fifteen (15) feet to the public right of way.

D. The signs must be placed on the property, near the main entrance of the property being subdivided or developed.

E. Signs advertising new subdivisions are temporary and must be removed after ninety-five (95) percent of the subdivision is sold to residents.

7.3.5 Signs for Churches, Recreational and Educational Facilities and Non-conforming Uses.

Signs for churches, recreational and educational facilities, non-conforming uses, and other types of occupancies that are lawfully allowed within R and RM zoning districts shall conform to the sign rules that are applicable to C, Commercial, zone districts.

7.4 Commercial and Manufacturing Zone Sign Regulations

The following types of signs may be permitted, upon the submittal of an appropriate application, on property which is located within any C, Commercial; CM, Commercial Mixed Use, or M, Manufacturing zoning district in connection with existing or proposed development on the subject property. No occupancy in these zoning districts may have more than three (3) of the following types of signs at any one location.

7.4.1 Individual Business Wall Signs

A. The size of a wall sign shall be limited to one and a half (1.5) square feet of sign area per each linear foot of building frontage.

B. Wall signs may be internally or indirectly lighted.

C. One sign per wall is permitted for each wall of the building.

7.4.2 Projecting Signs

A. Projecting signs are permitted over sidewalks only and shall be located a minimum of nine (9) feet above grade of the sidewalk.

B. Projecting signs may be double-faced and shall not exceed twenty (20) square feet in area.

C. No part of any sign shall project more than four (4) feet from the wall.

D. Projecting signs shall be placed perpendicular to the building wall.

7.4.3 Marquee Signs

A. Indoor theatres and public assembly areas shall be allowed a change panel, marquee sign which may be affixed to the building or a marquee.

B. Marquee signs may illuminated by direct or internal lighting.

C. Marquee signs shall not exceed one hundred (100) square feet in area.

7.4.4 Signs in Windows

A. The size of a business name sign and other advertising in or on a business window shall not cover more than fifty percent (50) of the window area.

B. A sign permit is required for window signs advertising the business name. Temporary or changeable product advertisement signs in windows do not require an additional permit.

C. Information about the hours of operation may be posted on or inside a door or window. This signage shall not be included in the calculation of any limitations of the number or area of signs allowed under these regulations.

7.4.5 Free-Standing Signs

A. Only monument type signs will be permitted. A monument sign has a self-supporting permanent structure, detached from supportive elements of the building, on a base that has an aggregate width of at least fifty percent (50) of the total width of the sign. The materials of a monument sign complement or are compatible with the materials and colors of the architecture on the site.

B. One double-faced free-standing monument sign with a maximum area of thirty-two (32) square feet per sign face may be permitted at a single business location.

C. Freestanding monument signs may be illuminated by indirect or internal lighting.

D. The top of the monument sign shall be no higher than eight (8) feet from the ground level.

E. On properties such as strip malls, shopping centers, business plazas or other commercial properties with two or more separate businesses operating on a commercial site that is subject to common ownership and management, freestanding signs that identify multiple businesses located on the property may exceed these limitations. Each such property may include one sign that identifies the name of the development and one or more of the businesses on site and may be up to forty-eight (48) square feet per sign face. This sign may be no higher than eight (8) feet.

7.4.6 Motel, Hotels, Resorts, and Service Station Change Panel Signs

Motels, hotels, resorts and service stations may use change panel signs for one of the three types of signs associated with any such business. Change panel signs are subject to the following requirements.

A. Only one (1) change panel sign is allowed for each street that the business abuts.

B. Change panel signs shall not exceed twelve (12) feet in overall height from ground level for pole signs or eight (8) feet in height when a monument sign is used.

C. Change panel signs shall not exceed fifty (50) square feet in area and the horizontal dimension shall not exceed ten (10) feet.

D. Change panel signs may be double faced and illuminated indirectly or internally.

7.4.7 Signs on Parked Vehicles

Commercial signs or advertising on parked vehicles or trailers are prohibited unless the vehicles or trailers are primarily used in conducting business and the signs advertise or identify the business and the products or services offered on the premises. This paragraph shall not apply to signs affixed to vehicles or trailers used as public carriers, businesses, taxis, or vehicles when operating during the normal course of business. Nor does it apply to non-commercial signs.

7.5 Historical Preservation Overlay District Sign Regulations

Applications for non-exempt signs to be installed and maintained within the Historic District must first be submitted to the Design Review Board for a determination by that Board that the proposed sign or signs are consistent with the regulations of this Code and the Design Guidelines, as applicable to the Historic District. The Design Review Board has the authority to provide design approval for sign applications which are consistent with the requirements of this Article, subject to the general limitations associated with each respective zoning district. The Design Review Board shall also make a recommendation to

the Planning and Zoning Commission for the approval, disapproval or modification of any special use application for a sign within the Historic District. The Design Review Board has the authority to impose additional limitations or requirements upon the signs to be installed or maintained within the Historic District as necessary to insure that such signs are consistent with the Design Guidelines and the regulations adopted to protect this area and are compatible with the existing development within this district. Signs that are out of proportion or scale to the existing development within the district, that are to be illuminated in a manner that would not be consistent with the color, lettering or techniques of lighting that were prevalent in the historic period of the district, or that employ technology that would be out of place in the district will not be permitted.

7.6 Signs Allowed by Special Use Permits

A. The following types of signs may be allowed within a commercial or manufacturing zoning district, or in connection with a lawful non-residential use, upon the approval of a Special Use Permit for the sign.

1. Electronic change panel signs, action signs and animated signs.

2. Off-premises directional or advertising signs, provided that any such sign is smaller than a billboard, fifty (50) square feet.

3. Signs with external lighting not otherwise permitted under these regulations.

4. Marquee and change panel signs that exceed the limitations of these regulations.

5. Signs for shopping centers, strip malls, business plazas and other types of commercial developments with two (2) or more separate businesses operating on a commercial site that is subject to common ownership and management and for which the proposed signs are not permitted by these regulations.

6. All other signs, excluding billboards that are not otherwise expressly authorized as permitted signs under these regulations. This special use procedure is not available to circumvent any limitations that have been previously imposed within the Historic District by the Design Review Board.

B. In the consideration of a special use permit application for any such sign, the Planning and Zoning Commission and the Mayor and Council shall consider the following factors, in addition to those generally applicable to a special use application:

1. Whether the nature, size or location of the proposed sign will interfere with the interests of the City and its citizens in protecting the unobstructed views of the architecture, scenery and surrounding areas of this community?

2. Whether the nature, size or location of the proposed sign will distract the traveling public or impede the ability of drivers to safely navigate the City streets?

3. Whether the nature, size or location of the proposed sign will impose any adverse impacts upon the owners or occupants of other properties within the vicinity of the proposed sign?

The Planning and Zoning Commission may recommend and the Mayor and Council may require conditions or restrictions in connection with the approval of any special use sign application as necessary to limit any adverse impacts of any such sign. The Mayor and Council may approve, deny or approve with certain conditions or restrictions, any such special use application.

7.7 Nonconforming Signs

A. These regulations shall not prevent any property owner from continuing to maintain any sign which was lawfully constructed or installed prior to the effective date of these regulations. Nor shall these regulations prevent any reasonable repairs or alterations to any such signs, provided that these do not alter the size, shape or impacts associated with any such sign.

B. In the event that an existing sign is damaged, destroyed or deteriorated to the extent that it must be replaced with a new sign structure, any such replacement shall be made in a manner that is consistent with these regulations.

ARTICLE 7.8

Murals in the Historic District

7.8.1 Purpose:

City of Bisbee's Design and Review Board to adopt guidelines for murals on commercial properties within the historic district. These guidelines for murals in the historic district were formulated as a means of ensuring the continued visual aesthetic of the historic district while allowing for creative expression in appropriate locations and designs. The established review criteria provide guidance concerning the compatibility and appropriateness of the placement, massing, scale and materials of mural art with minimal intrusion into the artistic expression and content of the work. Murals and other similar forms of visual art can both add or detract from the character of a building, structure, or district based upon their location, size, shape, color palette, materials used, and relationship to historic context.

7.8.2 Review Criteria

When a building owner is considering adding a Mural to their building or wall an application must be made to the Design and Review Board for consideration. When the building or wall is public property of the City of Bisbee the application process will follow the city's Art and Monuments in Public Space Application and Instructions.

7.8.3 Mural Art vs. Signage

Content distinguishes mural art from signage. While a sign specifically advertises a business, product or service through graphics or text, murals are solely artistic in nature. Murals may not include trademarks, service marks, or other markings, colors, or patterns identifying or associated with a business, profession, trade, occupation, or entity. When an official interpretation is deemed necessary, Bisbee's Community Development Department will determine if a proposal is a mural or a sign. Mural art that constitutes a sign shall conform to the signage regulations of the zoning ordinance and applicable design guidelines.

7.8.4 Guidelines

A. Location

1. Murals are not permitted on unpainted contributing or landmark structures.

Murals on unpainted non-contributing buildings or walls will be considered on a case-by-case basis.

2. Paint or mount all murals or other similar forms of visual art on the side or rear walls of the building, and not on its primary façade, above its roof line, or on any of its decorative elements.

3. The installation of a mural should complement and enhance the building or wall and be incorporated architecturally into the character of the historic district.

4. The location of a mural on the building should not cover or detract from significant or character-defining architectural features.

5. The location, size, nature, or type of mural shall not create a hazard to the safe and efficient operation of vehicles, or create a condition that endangers the safety of persons or property thereon. Murals may not extend beyond the eaves, parapet, or sides of a building.

6. If a mural is allowed to be mounted onto the building it must be done to prevent damage from moisture/condensation behind the attached panel. Generally, the hanging and/or anchoring of a mural should be reversible.

B. Design & Materials

1. The mural shall not obscure key features of the building or wall.

2. Paint utilized should be intended for exterior use and which will not compromise the integrity of the material to which it is applied. Reflective neon and fluorescent paint should not be used.

3. The application of murals on historic material should follow all relevant Preservation Briefs as published by the National Park Service's; “The Secretary of the Interior’s Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring and Reconstructing Historic Buildings Technical Preservation Services.”

ARTICLE 8 PARKING AND LOADING

8.1 Requirements

Lots existing at the time of the adoption of this Ordinance which may not be able to meet these parking requirements are exempt. It is the intent of this article to require the minimum number of on-site parking and loading spaces with maneuvering areas, driveways and surface materials for the efficient movement of vehicular traffic. Off-street automobile parking space shall be provided according to the following schedule and subject to the following conditions in any zone in which any of the following uses are established.

A. A percentage of the required parking space shall be designated for handicap use and located closest to the entrance. Specific requirements for number of handicap spaces are in the appendix

B. Parking space diagrams and maneuvering dimensions are in the appendix.

8.1.1 Employees

In addition to the requirements of any other section of this Ordinance, one (1) off-street parking space for each two (2) employees shall be provided for any land use other than an office building. The number of employees used in computing parking requirements shall be the greatest number of persons employed at any time of the day or night; each space shall not be farther than six hundred (600) feet distant in a direct line from the nearest part of the structure.

8.1.2 Residential

One (1) parking space for each family dwelling unit less than 1,000 square feet; and a minimum of two (2) spaces per unit for each dwelling unit more than 1,000 square feet ; each space shall be provided on the building site on which the dwelling is located, except as provided in section 8.6 of this Ordinance. The building of new structures on lots without street access may provide the required on-site parking off of the building site, so long as it is off of the street and in a location approved by the Zoning Administrator.

8.1.3 Hotels, Motels, and Boarding Houses

One (1) parking space for each one (1) guest room or dwelling unit. One (1) additional parking space for each two hundred (200) square feet of actual usable service area, including basements and attics.

8.1.5 Hospitals

One parking space for each three (3) patient beds in a hospital. Each space shall not be farther than six hundred (600) feet distant in a direction line from the nearest part of the structure.

8.1.6 Churches

One parking space for every four (4) persons for whom seating is provided in the main auditorium.

8.1.7 Theaters, Auditorium, and Stadiums

One parking space for each five (5) seats or similar accommodations in any theater, auditorium or stadium, each of which shall not be farther than six hundred (600) feet distant in a line from the nearest part of the structure.

8.1.8 General Requirement

One parking space for each two hundred (200) square feet of floor area used for the following: Each parking space shall not be farther then six hundred (600) feet in distant line from the nearest part of the structure.

A. Shopping center, retail store, service business.

B. Community and recreational buildings

C. Government, business or professional offices

D. Restaurants

E. Medical or dental clinics

F. Primary and secondary schools

G. Any retail commercial use not otherwise listed in this section

8.1.9 Dance Halls, Night Clubs, Assembly Halls

One parking space for each two hundred (200) square feet of floor area used for a dance hall, night club, assembly hall without fixed seats, or establishment for the sale and consumption of alcoholic beverages, food or refreshments on the premises. Each parking space shall not be farther than six hundred (600) feet distant in a direct line from the nearest part of the structure.

8.1.10 Funeral Homes and Funeral Parlors

One parking space for every four (4) persons for whom seating is provided in the main auditorium.

8.1.11 Furniture Stores and Furniture Repair Shops

One (1) parking space for each one thousand (1000) square feet of floor area used for a furniture store, furniture repair shop. Each parking space shall not be farther than six hundred (600) feet distant in a direct line from the nearest part of the structure.

8.1.12 Bowling Alleys

Two (2) parking spaces for each alley in a bowling alley. Parking space shall not be farther than six hundred (600) feet distant in a direct line from the nearest part of the structure.

8.1.13 Gasoline Service Station and Auto Services

For a gasoline service station, carwash or public repair garage, automobile storage or parking space sufficient in area to accommodate the automobiles of the operator patrons of such commercial uses. Parking space shall not be farther than six hundred (600) feet distant in a direct line from the nearest part of the structure.

8.1.14 Manufacturing uses

Manufacturing uses shall provide one (1) parking space for each five hundred (500) square feet of enclosed floor area.

8.1.15 Automobile Sales Lots

One parking space for one thousand (1000) square feet of floor space used for new and/or used automobile sales. Parking space shall not be farther than six hundred (600) feet distant in a direct line from the nearest part of the structure.

8.1.16 Parks and Open Spaces

Three (3) parking spaces for each acre of park or open area.

8.2 Combination of Uses

Where there is a combination of uses on a lot, the number of parking spaces shall be the sum of the requirements of the various uses. If, in the opinion of the Building Official, the uses would not be operated simultaneously, the number of parking spaces shall be determined by the use with the highest parking demand.

8.2.1 Combination of uses within a Mixed Economic Use Zone

Where a combination of uses occurs on a single lot within a mixed economic use zone, the aggregate parking requirement of this section may be satisfied by the procurement of private, off-street parking.

8.2.2 Development of Parking Area

In any multiple-use zone, where parking space is required, the surface of each parking space shall be paved and maintained to standards established by the Public Works Department.

8.3 Commercial and Manufacturing Parking in Residential Areas

Where a parking area for a business or industrial use adjoins or is within a residential zone, there shall be solid wall of masonry or other approved fireproof material, not more than five (5) and not less than four (4) feet in height, along the boundaries adjoining residence lots, except that adjoining the front yard of a residence lot, the wall shall be three (3) feet, six (6) inches in height. Anywhere a wall is required, a minimum landscaped yard of five (5) feet shall be provided between the wall and property line.

8.4 General

A. Off-street automobile parking space being maintained in connection with any existing main building or use shall be maintained so long as the main building or use remains.

B. The standards for providing off-street parking required by this article shall apply at the time of the erection of any main building or when off-street parking is established. These standards shall also be complied with when an existing building or use is altered, extended or enlarged, or where the use is intensified by a change in occupancy. Examples of such alterations include the addition of dwelling units, guest rooms, floor area, seating capacity, or seats.

8.5 Off-Street Loading

All buildings erected or established shall have and maintain loading space(s) as determined by Site Plan Approval as outlined in Article 3, Section 3.4 and be subject to the following conditions:

A. No part of any alley or street shall be used for loading except areas designated by the City.

B. No loading space that is provided on an approved Site Plan shall be eliminated, reduced or converted, unless equivalent facilities are provided elsewhere.

C. All loading space shall be surfaced and maintained subject to the standards of the Public Works Department.

8.6 Residential Permit Parking

The Public Works Director and Police Chief may designate. Subject to approval by the Mayor and Council, a residential area or areas consisting of streets or portions of streets on which the parking of motor vehicles may be restricted in whole or in part to motor vehicles bearing a valid parking permit issued pursuant to these provisions to residents of the area so designated.

8.6.1 Eligibility of Residential Areas for Designation

A residential area shall be deemed eligible for designation for residential parking where the Public Works Director and Police Chief find that parking in the area is significantly impacted by motor vehicles owned by nonresident. In arriving at such findings, the Public Works Director and Police Chief shall consider the following factors:

A. The extent to which any period between the hours of 7:00 a.m. and 5:00 p.m., weekdays except holidays, the number of parked motor vehicles approaches the legal on-street parking capacity of the area;

B. The extent to which, during the same period described in subsection A., The number of parked motor vehicles in the area is comprised of motor vehicles not registered to persons residing in the area.

C. The extent to which parking by motor vehicles registered to nonresidents of the area places unreasonable burdens on area residents attempting to gain access to their residences; and the extent to which the area residents are willing to bear the administrative costs associated with the establishment of a residential permit parking area.

D. The extent to which the area for which residential parking is being considered and adjacent areas are served by public transportation; and,

E. The extent to which the designation of the area for residential permit parking will help to alleviate traffic congestion, illegal parking, hazards to pedestrians and related health and safety dangers.

8.6.2 Designation of Residential Permit Parking Areas

Following Mayor and Council approval of this designation of a residential permit parking area, the Public Works Director and Police Chief shall provide for the issuance of permits and cause parking signs to be erected in the area. Indicating the times and conditions under which parking shall be by permit only. A permit shall be issued upon application and payment of the applicable fee, only to the owner or operator of a motor vehicle who resides within the designated residential permit parking areas.

8.6.3 Fees

The Public Works Director is hereby authorized to establish, with Mayor and Council approval, an annual residential parking fee to cover the administrative costs of permits issued to these provisions.

8.6.4 Administrative Guidelines

The Public Works Director and Police Chief are directed to prepare, and the City Manager may issue as an administrative directive, administrative guidelines as they may deem necessary and desirable to implement the provisions of this action.

8.6.5 Parking Citations

The Police are herby authorized to issue citations enforcing regulations of any residential parking permit area.

8.7 Historic District Permanent Exemption (Ordinance O-11-11 June, 2011)

Within the Bisbee Historic Preservation Overlay Zone, for all alterations, additions, extensions or enlargements of existing structures and associated improvements for commercial development and for residential development within an existing CM zoned structure, the parking requirements of Article 8.1 of this Zoning Code shall not be applicable. No additional parking spaces shall be required by this Article in connection with any such construction, enlargement or renovation or the subsequent use of that commercial space for the uses specifically designated in any such building permit. Off-street parking currently being maintained in connection with any existing building or use shall be maintained so long as that building exists or its use continues.

8.7.1 Exemption New Residential Construction in the Bisbee Historic Preservation Overlay Zone from Parking Requirements

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.

8.8 Arizona Street Parking Requirements

For purposes of determining compliance with the applicable parking requirements under this Article for any new development, or for any alteration or expansion of any existing occupancy, for each property with frontage on Arizona Street in Warren, the number of parking spaces on Arizona Street that are available within that same block, on both sides of that street, may be included in the determination of the number of parking spaces that are available for that occupancy or development and may be substituted for an equal number of off-street parking spaces currently being maintained for any existing main building.

ARTICLE 9 DEFINITIONS

9.1 Rules of Interpretation

For purposes of interpreting this Ordinance, unless the context otherwise requires, the singular shall include the plural and the plural shall include the singular, the word "may" is permissive, and the word "shall" is mandatory. Words shall be given their common and ordinary meanings unless a specific definition is provided in the Zoning Code.

9.2 Definitions

In this Ordinance, unless the context otherwise requires:

1. **Abandoned Vehicles** shall mean a vehicle that is subject to registration that is not owned or claimed by the owner of the property on which it is located and that has been left unattended for a period of seventy-two (72) hours or more.
2. **Abut** shall mean any two or more buildings or lots or part there of that share a common border.
3. **Access or Access-Way** shall mean the place, means, or way by which pedestrians and vehicles shall have safe, adequate, and useable ingress and egress to a property or use as required by this Ordinance.
4. **Accessory Building** shall mean a subordinate building, the use of which is customarily incidental to that of a dominant use of the main building or premises.
5. **Accessory Use** shall mean a use customarily incidental to, related appropriately, and clearly subordinate to the main use of the lot of building. The accessory use does not alter the principal use of the subject lot of building or adversely affect other properties in the district.
6. **Action Sign** shall mean a sign which rotates, revolves, or moves by mechanical or any other means.
7. **Adjacent** shall mean to be abutting, adjoining, and surrounding area, to the extent that the proposal may impact or be impacted by the area. The widths of Public right of way shall not be counted when determining distance for the adjacent properties, uses, etc.
8. **Adult Bookstore** shall mean a commercial establishment having a substantial portion of its stock in trade, books, magazines and other periodicals depicting, describing or relating to "specified sexual activities" or are characterized by their emphasis on matters pertaining to "specified anatomical areas" or any establishment that has a substantial portion of its stock in trade in books, magazines and other periodicals and which excludes all minors from the premises or a section therein.
9. **Alley** shall mean a public thoroughfare which affords only a secondary means of vehicular access to abutting property and is not intended for general traffic circulation. An alley line shall mean the center line of an alley right-of-way as determined by the Public Works Director.
10. **Alteration** shall mean any aesthetic, architectural, mechanical or structural change to the exterior surface or any part of an existing structure.
11. **Alternative Lodging Park** shall mean a temporary or permanent use that allows a variety of housing options including manufactured and mobile homes, recreational vehicles, travel trailers, tiny homes and temporary camping facilities that may be granted by Special Use Permit on a case by case basis in any zoning district. The proposed park will require at a minimum a detailed site plan that identifies the number of unit spaces, access points to public streets, internal circulation, buffer zones and screening devices, open space/recreational facilities and additional buildings, etc. The minimum parcel size for a proposed Alternative Lodging Park shall be one-half acre with a maximum parcel size of 5 acres. The maximum units per acre for any park will be determined by the Planning Commission based on site conditions.

    All manufactured homes to be sited in an Alternative Lodging Park are subject to the minimum standards in Article 6 General Provisions, Section 6.7 in the Bisbee Zoning Code. All pre-1976 rehabilitated mobile homes are subject to the Arizona Department of Housing, Office of Manufactured Housing minimum rehabilitated home standards. Refer to the tiny home definition for the minimum building code standards.
12. **Amendment** shall mean a change in District boundaries or zoning ordinance text.
13. **Analogous Use** shall mean any use which is comparable to the permitted uses, is similar in one or more important ways to the permitted uses, or resembles the permitted uses in one or more aspects, including the impacts that are likely to result from such use.
14. **Animal Clinic or Animal Hospital** shall mean a place where animal or pets are given medical or surgical treatment in emergency cases and are cared for during the time of treatment. Use as a kennel shall be limited to short time boarding, shall be only incidental to the hospital use, and shall be enclosed in a soundproof structure.

15. **Animated Sign** shall mean a sign containing light movement such as blinking, traveling, flaring, changing intensity or any light movement. Traditional holiday decorations shall not be considered an animated sign.

16. **Antenna** – Any exterior transmitting device which may be mounted on a tower, building or structure and used in communications that radiate or capture digital signals, analog signals, radio frequencies (excluding radar signals), wireless telecommunications signals, electromagnetic waves or other communication signals. (O-00-20)

17. **Apartment House** – See Multiple Dwelling.

18. **Area of Lot** shall mean the total horizontal area included within the lot lines

19. **Awning** shall mean a roof-like covering made of cloth, metal or other material attached to a structure, which may be raised or retracted to a position against the structure when not in use, providing shade to a window or shelter.

20. **Bed and Breakfast** shall mean an owner-occupied residence providing sleeping rooms and breakfast only for transient, traveling public with adequate parking for guests.

21. **Billboard** shall mean any freestanding signs exceeding fifty (50) square feet.

22. **Boardinghouse** shall mean a building where, for compensation and by prearrangement for definite periods, lodging and/or meals, are provided for three (3) or more persons, but not exceeding twenty (20) persons.

23. **Building** shall mean any structure for the shelter, housing, or enclosure of person, animals, chattels, or property of any kind. If a building is divided in the permitting process, each portion is considered a separate building.

24. **Building Official** shall mean an individual designated by the building inspection division of the Planning and Community Development Department.

25. **Canopy** shall mean a structure supported by a frame bearing on the ground. A canopy may be either free standing or attached to a structure.

26. **Carport** shall mean an accessory building or portion of a main building with two or more open sides designated or use for the parking of motor vehicles. Enclosed storage facilities may be provided as part of a carport.

27. **Change Panel Sign** shall mean a sign designed to permit immediate change of copy which may be other than the name of the business.

28. **Common Areas** shall mean all areas of a project excepting units therein granted or reserved.

29. **Condominium** shall mean an estate in real property consisting of an undivided interest in common in a portion of a parcel of real property together with separate interest in air space in a residential, industrial, or commercial building on the real property, such as an apartment, office, or store.

30. **Convalescent Home or Nursing Home** shall mean any place or institution which makes provisions for bed care, or for chronic or convalescent care for one or more persons exclusive of relatives, who by reason of illness or physical infirmity are unable to properly care for themselves.

31. **Day Care Center** shall mean an establishment licensed by the State Of Arizona providing care on a regular basis for more than twelve attendees at any given time.

32. **Demolition** shall mean destruction of a building.

33. **Density** shall mean the number of dwelling or commercial or industrial units per acre. Gross density shall include the area of right-of-way and open space in the total area. Net density shall not include the right-of-way or open space within the total area.

34. **Directional Sign** shall mean any sign that directs the movement or placement of any or all forms of traffic.

35. **District** shall mean any Zone as shown on the Zoning Map of the City of Bisbee for which there are uniform regulations governing the use of buildings and premises or the height and area of buildings.

36. **District Map** shall mean the Official Zoning Map of the City of Bisbee.

37. **Dwelling** shall mean any building or portion thereof, which is designed or used for residential purposes, designed for occupancy by one family for living purposes and having its own cooking and sanitary facilities.

38. **Easement** shall mean any recorded interest in land owned by another for a specific (limited) use (i.e., access).

39. **Farm Animals** shall mean: horses, mules, asses, cattle, fowl, goats, and other neat animals used for food and farm work.

40. **Fence** shall mean any barrier constructed to prevent intrusion or to mark a boundary. Does not include retaining walls.

41. **Free-Standing Sign** shall mean a sign which is not attached to a building.

42. **Frontage** shall mean all property on one side of a street between two intersection streets (crossing or terminating) measured along the line of the street, or, abutting on one side between an intersecting street and the dead end of the street including property on a cul-de-sac.

43. **Garage, Private** shall mean any accessory building or portion of a main building designed or used for the storage of not more than three (3) motor-driven vehicles, provided that no private garage may be used or rented for the storage of commercial trucks having a capacity in excess of one ton.

44. **Garage, Repair** shall mean a building or portion thereof, other than a private or storage garage, designed or used for servicing, repairing, equipping, hiring, selling or storing motor-driven vehicles.

45. **Garage, Storage** shall mean a building or portion thereof designed or used exclusively for housing of four (4) or more motor-driven vehicles.

46. **Gasoline Service Station** shall mean any establishment that provides for the refueling or servicing of automobiles. This does not include any form of body painting or repair.

47. **Grade** shall mean the lowest point of elevation of the finished surface of the ground between the exterior wall of a building and a point five (5) feet distant from the wall, or the lowest point of elevation of the finished surface of the ground between the exterior wall of a building and the property line if it is less than five (5) feet distant from the wall. In case walls are parallel to and within five (5) of a public sidewalk, alley or other public way, the grade shall be the elevation of the sidewalk, alley or public way.

48. **Group Home** shall mean any facility in which custodial care or a protected living environment is provided. The care may be of a voluntary or involuntary nature.

49. **Guest Room** shall mean a room which is designed to be occupied by one or more guests for sleeping purposes, and having no kitchen facilities and not including dormitories for sleeping.

50. **Half-way House** shall mean any facility with personnel providing for the care and supervision, treatment and shelter of persons who have demonstrated tendencies toward substance addiction of any type, mental illness, or anti-social or criminal behavior.

51. **Height** shall mean the vertical distance measured between the highest part of a structure and the finished grade at the midpoint of the front facade of the principal structure, excluding chimneys, mechanical equipment and other miscellaneous additions.

52. **Historic Preservation Overlay**, see Article 5.3

53. **Historic Sign** shall mean a sign which has been in existence for fifty (50) years or longer and does not advertise a current product or business.

54. **Homeless/Rehabilitation Center** shall mean any care facility that provides services and shelter to those persons needing a time for rehabilitation of health, mental and/or living conditions/practices.

55. **Home Occupation** shall mean any occupation or profession carried on by a resident of a dwelling which use is clearly incidental to the use of the structure for dwelling purposes and which does not change the exterior character of the premises and is in conformance with the requirements of this Code.

56. **Hospital** shall mean a place for treatment or other care of human ailments, and shall include “a sanitarium,” “a clinic,” and “a maternity home,” unless otherwise specified.

57. **Hotel** shall mean a facility offering transient lodging accommodations to the general public and may provide additional services such as restaurants, meeting rooms, and recreation facilities.

58. **Indirect Lighting** shall all mean a source of external illumination located away from the sign which is not visible to persons viewing the sign.

59. **Industrial Park** shall mean any large tract of land that has been planned, developed, zoned or operated as an integrated facility for a number of individual industrial uses, with special attention to circulation, parking, utility needs, aesthetics, and compatibility.

60. **Institution** shall mean a building or buildings occupied by a nonprofit corporation or a nonprofit establishment for a public use.

61. **Integral Sign** shall mean signs that include names of buildings, dates of erection, monumental citations, commemorative tablets, and the like which are carved into stone, concrete or similar material made of bronze, aluminum, or other

permanent type construction and made as an integral part of the structure.

62. **Internal Lighting** shall mean a source of illumination entirely within the sign which makes the sign visible at night.

63. **Junk** shall mean refuse scrap or discarded materials, including metal, glass, wood, rope, rags, paper, batteries, tires, solid waste, dismantled or wrecked vehicles and parts thereof, which are no longer useful for the purpose for which they were originally intended. Refuse shall include all putrescible and non-putrescible waste materials.

64. **Junk Vehicle** shall mean any vehicle or major portion thereof which is incapable of movement under its own power and that cannot be reasonably restored to a working condition without undue expense.

65. **Kennel** shall mean any premises where four (4) or more animals older than the age of four (4) months are maintained (City Code, Chapter 6).

66. **Land-Locked Parcel** shall mean any parcel without access of record to a public right-of-way or easement to such right-of-way.

67. **Landscaped Area** shall mean an area containing living plants void of asphalt or concrete pavement.

68. **Lodging House** shall mean a building where lodging only is provided for compensation to three (3) or more, but not exceeding 20 persons.

69. **Lot** shall mean a legally created parcel of land occupied or intended for occupancy by one main building together with its accessory buildings, and uses customarily incident to it, including the open spaces required by this ordinance and having its principal frontage upon a street as defined in this ordinance.

70. **Lot Area** shall mean the area of the lot, not including any area in a public way.

71. **Lot, Corner** shall mean a lot adjoining two or more streets at their intersections.

72. **Lot, Depth of** shall mean horizontal distance between the front and rear lot lines.

73. **Lot, Double Frontage** shall mean a lot having a frontage on two non-intersecting streets, as distinguished from a corner lot.

74. **Lot Lines** shall mean the lines bounding a lot.

75. **Lot of Record** shall mean a lot which is a part of a subdivision, the plat of which has been recorded in the office of the Cochise County Recorder; or parcel of land, the deed of which is recorded in the Office of the County Recorder.

76. **Lot Width** shall mean, in the case of irregularly shaped lots, lots having side lot lines not parallel, or lots on the curve of a street, the distance between side lot lines measured thirty (30) feet behind the required minimum front setback line parallel to the street or street chord.

77. **Lot, Zoning** shall mean a single tract of land located within a single block, which (at the time of filing for a building permit) is designated by its owner or developer as tract to be used, developed or built upon as a unit, under single ownership or control. A "Zoning Lot" may or may not coincide with a lot of record.

78. **Maintenance** shall mean replacement or repair made necessary by ordinary wear, tear or damage.

79. **Manufactured Home** mean a building manufactured after June 15, 1976, in accordance with National Manufactured Home Construction and Safety Standards Act of 1974 and title VI of the Housing and Community Development Act of 1974, as amended which is delivered to a home site in one or more sections.

80. **Mobile Home** means a structure built prior to June 15, 1976, on a permanent chassis, capable of being transported in one or more sections and designed to be used with or without a permanent foundation as a dwelling when connected to on-site utilities. This definition shall not include travel trailers, motorized homes, pickup coaches, camping trailers, modular buildings or park models.

81. **Mobile Home or Manufactured Home Park** means three or more spaces, lots, tracts or parcels of land, under common ownership or management, used or offered for use, in whole or in part, with or without charge for parking of mobile homes, manufactured homes or trailer coaches used for sleeping or household purposes.

82. **Modular Home or Building** means a factory-built home or building, or module or component thereof, which is factory fabricated and assembled, and then transported to the site for final construction. Modular units are connected together and are set and securely connected to utilities to make a single structure. Modular structures must be securely attached to a permanent foundation, i.e., cement pad. This term does not include a "manufactured home," "recreational vehicle," or "mobile home," as defined in this Code.

83. **Mobile Home or Manufactured Home Space** means a plot of ground within a mobile home or manufactured home

park designed for the accommodation of one residential unit.

84. **Motel** means any building or group of buildings containing guest rooms or dwelling units, some or all of which have a separate entrance leading directly from the outside of the building with garage or parking space located on the lot and designed, used, or intended wholly or in part for the accommodation of automobile transients. Motel includes motor court, motor lodge and tourist court, but not a mobile home or manufactured home park.

85. **Multiple Dwelling** shall mean a building or portion thereof designed for occupancy by two (2) or more families.

86. **Natural Hazard** shall mean a geologic, floodplain, or wildlife hazard.

87. **Nonconforming Building** shall mean a building or portion thereof which is lawful when established but which does not conform to a subsequently established district or district regulation.

88. **Nonconforming Lot** shall mean a parcel of land having less area, frontage or dimensions than required in the district in which it is located, which is lawful when established but which does not conform to a subsequently established district or region.

89. **Nonconforming Use** shall mean any building or land lawfully occupied by a use at the time of passage of this ordinance or amendment thereto which does not conform after the passage of this ordinance or amendment thereto with the use regulations of the district in which it is located.

90. **Off Premises Sign** shall mean a sign not located on the premises of the use identified or advertised by that sign.

91. **On Premises Sign** shall mean a sign located on the same premises of the use identified or advertised by that sign.

92. **Parapet** shall mean either the edge of the roof or the top of a wall which forms the top line of a building silhouette.

93. **Parcel** shall mean a tract or plot of land under one ownership as defined by the legal description recorded at the County Recorders office.

94. **Parking Lot** shall mean a parcel of land devoted to unenclosed parking space.

95. **Parking Space** shall mean a permanently surfaced area, enclosed or unenclosed, having an area of not less than one hundred sixty (160) square feet which will accommodate a car, minimum width eight (8) feet. Parking as used in this ordinance is to mean off-street parking with access from a street or secondary means or as approved by subdivision plat.

96. **Permitted Use** shall mean a use specifically permitted or use analogous to those specifically permitted.

97. **Prefabricated Dwelling** shall mean a building utilizing prefabricated or precut wall panels, roof and ceiling panels, pre-hung doors and windows delivered to the site and assembled on the site to form the building, and having permanent footings and foundations securely connected to the wall panels.

98. **Principal Structure or Use** shall mean the main or primary use for a structure or parcel of land. This shall include any attached accessory structures.

99. **Prohibited Use** shall mean a use not specifically permitted or a use analogous to those not specifically permitted.

100. **Projecting Sign** shall mean any sign attached to a building or other structure and extending, in whole or in part, beyond the building line on a plane perpendicular to the wall.

101. **Public Storage Facility** shall mean a building or group of buildings in a controlled access and fenced compound that contains varying sizes of individual compartmentalized, and controlled access stalls or lockers for the storage of customer' property.

102. **Receive Only Earth Station** shall mean any antenna and attendant for the processing of the reception of electronic signals from satellites.

103. **Recreational Vehicle** shall mean a vehicular type unit that is primarily used as temporary, mobile, recreational living quarters. This term includes motor homes, travel trailers, campers, and tent trailers and shall have the same meaning as defined under state law, A.R.S. § 41-2142 (30). Recreational vehicles may not be used for residential purposes.

104. **Rehabilitated Mobile Home** shall mean a mobile home that has been permanently affixed with a Rehabilitation Certificate from the State of Arizona Office of Manufactured Housing, certifying that the dwelling has been inspected and found to meet or exceed the minimum standards of the State of Arizona Department of Housing, Office of Manufactured Housing for rehabilitated mobile homes.

105. **Residential Care Facility** shall mean a facility that provides residential care of mentally or physically challenged persons not exceeding ten such persons not related to the head of the household. Such homes must comply with any and all applicable State and local laws, licenses, etc.

106. **Resort** shall mean a group of buildings containing more than five (5) dwelling units and/or guest rooms and providing outdoor recreational activities which may include golf, horseback riding, swimming, shuffleboard, tennis and similar activities. A resort may be furnished by a hotel, including a restaurant, cocktail lounge and convention facilities.

107. **Restaurant** shall mean an establishment whose primary business is the serving of food to the public.

108. **Retail** shall mean the sale of commodities or goods in small quantities to ultimate consumers.

109. **Rooming House** see "Lodging House".

110. **School or College:**

Public Schools: Any school licensed by the State under the purview of the State Board of Education and administered by a legally organized school district.

Non-Public Schools: All private, parochial, and independent schools which provide education of compulsory school age pupils and which satisfy the State compulsory education requirements.

Vocational/Technical/Special Schools: Educational facilities primarily teaching usable skills to prepare students for jobs in a trade or profession. Examples include but are not limited to schools for art, business, trade, or secretarial.

College/University: Educational institutions authorized by the State or other nationally recognized agencies to award baccalaureate or higher degrees.

111. **Service Station, Automotive** shall mean a retail business engaged primarily in the sale of motor fuels but also in supplying goods and services generally required in the operation and maintenance of automotive vehicles. These may include sale of petroleum products; sale and servicing of tires, batteries, automotive accessories and replacement items; washing and lubrication services; automotive repairs, painting and body and fender work, rental or sales of motor bikes, automobiles, boats, trailers, truck and any other type of sales or services not specifically referred to herein are limited to the service area of the site and if not specifically approved as part of the original use permit, a use permit must be approved prior to the area being used for any of these purposes.

112. **Setback** shall mean the distance that structures are required to be located from the property lines of a parcel of land, building or other established reference points.

113. **Shopping Center** shall mean a group of stores planned and designed for the site on which it is built, functioning as a unit, with off-street parking, landscaped area and pedestrian malls or plazas provided on the property as an integral part of the unit.

114. **Sign** shall mean:

Any device for visual communication that is used for the purpose of bringing the subject thereof to the attention of the public, but not including any flag, badge, or insignia of any government or religious, patriotic, fraternal, or similar organization.

The term "sign" shall mean and include any display of any letter, numeral, figure, emblem, picture, outline, character, spectacle, delineation, announcement or anything in part or in combination by any means whereby the same are made visible to the eye and for the purpose of attracting attention outdoors to make anything known, whether the display be made on, attached to or as a part of a structure erected for the purpose, or attached to or as a part of any other structure, surface of thing, including but not limited to, the ground or any rock, tree or other natural object, which display is visible beyond the boundaries of the lot or parcel of property on or over which the same is made.

115. **Sign Area** shall mean the total area of the facing or the total area within the outer edge of any existing signs on the premises, whether the signs be legal or legal nonconforming under the terms of this ordinance. Freestanding letters used as a sign shall be computed by taking the area enclosed within the smallest geometric figure needed to completely encompass all letters, words, insignias or symbols of the sign, including vertical and horizontal spacing between letters.

116. **Sign/Product** shall mean signs which are manufactured and distributed by a product representative and advertise a specific product or brand name.

117. **Single Family Dwelling** shall mean a building constructed on the site (by craftsman utilizing basic building materials delivered to the site) and designed for occupancy for one family. The building shall consist of footings and foundations poured in place and solidly attached materials, interior and exterior finishes shall be applied on the site.

118. **Site Plan** shall mean a plan showing lot configuration and improvements.

119. **Special Use** shall mean a use not permitted in a particular zoning district and not analogous or incidental to the permitted use. A Special Use Permit must be obtained before commencing or constructing any such use.

120. **Street** shall mean a dedicated public or private passageway which affords a principal means of access to abutting property.

121. **Street Center Line** shall mean a center line of a street right-of-way as determined by the Public Works Director.

122. **Street Line** shall mean a dividing line between a lot, tract or parcel of land and a contiguous street (right-of-way).

123. **Structural Alterations** shall mean any change in the supporting members of a building, such as bearing walls or partitions, columns, beams or girders, or any complete rebuilding of the roof.

124. **Structure** shall mean any artificial piece of work constructed or erected, the use of which requires a location on the ground or attached to something having a location on the ground, but not including a tent, vehicle, or trailer coach.

125. **Substantial Improvement** shall mean any repair, reconstruction, or improvement of a structure that equals or exceeds fifty percent (50) of the market value of the structure before any improvement or damage has occurred. Substantial improvement is considered to begin when any work relating to the structural parts of the building commences, regardless of whether the improvements change the external dimensions of the structure.

126. **Swimming Pool** shall mean a contained body of water, used for swimming purposes, either above ground level or below ground level, with the depth of the container being more than eighteen (18) inches or the area being more than thirty-eight (38) square feet.

127. **Temporary Sign** shall mean any sign intended to be displayed on the ground or building for no more than a total of thirty (30) calendar days.

128. **Temporary Structure** shall mean an artificial piece of work which is readily movable and used or intended to be used for a period not to exceed ninety (90) consecutive days. A temporary structure shall be subject to all applicable property development standards for the district in which it is located.

129. **Tiny Home** shall mean tiny home shall meet the minimum size requirements allowed by the current International Residential Code as adopted by the City of Bisbee.

130. **Tower** shall mean any structure that is designed and constructed primarily for the purpose of supporting one or more antenna telecommunications services, including self-supporting lattice towers, guyed towers or monopole towers. The term includes radio and television transmission towers, microwave towers, common-carrier towers, cellular telephone towers, tower alternative structures and the like. The term includes the structure and any support thereto. (O-00-20)

131. **Travel Trailer** shall mean a portable unit or structure designed and constructed to permit temporary residential occupancy, designed and constructed to be towed on its own chassis behind an automobile and which can be operated independently of utility connections for short durations. A travel trailer shall be limited in width to eight (8) feet, in length to thirty-two (32) feet. A travel trailer shall neither be considered nor occupied as a dwelling.

132. **Truck Park** shall mean any building or premises or land in which or upon which a business, service or industry involving the maintenance, servicing, storage, or repair of commercial vehicles is conducted. This may include the dispensing of motor fuels or other petroleum products directly into motor vehicles, the sales of accessories or equipment for trucks and similar commercial vehicles. These facilities may also include overnight accommodations and restaurant facilities solely for the use of truck crews.

133. **Truck Transfer Stations** shall mean a building or area in which trucks, including tractor trailer units, are parked, stored, or serviced, including the transfer, loading and unloading of goods. A transfer station may include facilities for the temporary storage of loads prior to transshipment.

134. **Unit Density** shall mean the ratio between land area and dwelling units within the project.

135. **Use** shall mean the purpose for which land or building is occupied or maintained, arranged, designed, or intended.

136. **Used Car Dealer** shall mean the operation of a used car sales business not connected with a franchised new car dealership.

137. **Utilities** shall mean any service or facility provided by public agency and public monopolies such as natural gas, sewage disposal, water delivery, solid waste disposal etc.

138. **Vest** shall mean the right to undertake and complete the development and use of a property under the terms and conditions of a site specific development/site plan.

139. **Wall** shall mean any structure or device required by this ordinance for screening purposes forming a physical barrier, which is so constructed that fifty percent (50) or more of the vertical surface is closed and prevents the passage of light, air, and vision thorough the surface in a horizontal plane. This shall include concrete, concrete block, wood, or other

materials that are solids and are so assembled as to form a screen. Where a solid wall is specified, one hundred percent (100) of the vertical surface shall be closed, except for approved gates or other access ways. Where a masonry wall is specified, the wall shall be concrete block, brick, stone, or other similar material and one hundred (100) of the vertical surface shall be closed, except for approved gates or other access ways.

140. **Wall Sign** shall mean a sign attached to, painted on, or erected against the wall of a building or structure with the exposed face of the sign on a plane parallel to the face of the wall. A wall sign shall not project from the wall in excess of twelve inches.

141. **Warehouse** shall mean a building primarily used for the storage of goods and materials. This shall also include terminal facilities for handling freight with or without maintenance facilities.

142. **Window Sign** shall mean:

    a. Permanent: any sign visible form the exterior of the building or structure which is painted, glued, or otherwise affixed to a window or depicted upon a paper or other material affixed to a window for the purpose of identifying the proprietor or name of the business to the passerby.

    b. Temporary: any sign visible from the exterior of the building or structure which is painted, glued, or otherwise affixed to a window or depicted upon a paper or other material affixed to a window for the purpose of attracting the attention of the passerby to a sale or promotional items or other products or services, other than the identity of the proprietor or name of the business.

143. **Wireless Communication Facilities** shall mean any facilities for the transmission and/or reception of Federal Communications Commission (FCC) licensed wireless communications services including, but not limited to, cellular, personal communications services (PCS), specialized mobile radio (SMR), enhanced specialized mobile radio (ESMR), paging, television and radio broadcasting usually consisting of an antenna array, connection cables, an equipment facility and a support structure (including monopole or lattice type towers) to achieve the necessary elevation. (O-00-20)

144. **Yard** shall mean an open space at the grade level between a building and the adjoining lot lines, unoccupied and unobstructed by any portion of a structure from the ground upward, except as otherwise provided herein. In measuring a yard, the depth of a front yard or depth of a rear yard, the minimum horizontal distance between the lot line and the main building shall be used.

145. **Yard, Front** shall mean an open unoccupied space on the same lot with a main building, extending the full width of the lot and situated between the street line and the front line of the building projected to the side line of the lot. The front yard of a corner lot is the yard adjacent to the shorter street frontage.

146. **Yard, Rear** shall mean an open space on the same lot with a main building between the rear line of the building and the rear line of the lot extending the full width of the lot.

147. **Yard, Side** shall mean an open unoccupied space on the same lot with a main building situated between the building and the side line of the lot and extending from the front yard to the rear yard. Any lot line not a rear line or a front shall be deemed a side adjacent to a common lot line.

148. **Zone** See “District”

ARTICLE 10 DEVELOPMENT STANDARDS FOR WIRELESS COMMUNICATIONS FACILITIES

(Ordinance O-00-20)

10.1 Statement of Purpose

The purpose of this section, which supersedes Article 6.1 of the Bisbee Zoning Ordinance, is to provide for reasonable regulation of personal wireless communication facilities. Advances in wireless technology and the rapidly growing public demand for wireless services have created a need for governmental regulation, with appropriate regard for the following considerations:

A. The Federal Telecommunications Act of 1996 specifically provides that local authority may not prohibit the provision of wireless services, and has pre-empted the regulation of radio frequency emissions, but has otherwise preserved local zoning authority to reasonably regulate wireless communication facilities.

B. Wireless communication facilities provide the general public with desired and useful portable communication convenience, business and emergency purposes and therefore promote the health, safety and welfare of the community which they serve.

C. Although local authority cannot prohibit wireless communication facilities, nor regulate their environmental impact, the location and appearance of these facilities should be regulated in order to:

1. Protect residential areas and authorized land uses from potential adverse impact of towers and telecommunication facilities.

2. Preserve the aesthetic qualities of the community, and minimize the visual impact of towers and telecommunication facilities while providing the quality of communication services that the public want and need.

10.2 Review Process

A. Towers – Special Use Permit is required for all towers.

B. Antennas – Not allowed in residential zoning areas except by Special Use Permit on property with non-residential uses including churches, schools and government buildings. No Special Use Permit required for antennas attached to existing structures in commercial or manufacturing zoning districts.

10.3 Co-Location

New tower(s) will not be permitted as a Special Use unless the applicant demonstrates to the satisfaction of the Planning and Zoning Commission and City Council that an existing tower or alternative tower structure is not capable of accommodating the applicant's proposed antenna. A list and analysis of alternative existing sites inventoried must be submitted. The need for an additional tower may be demonstrated by the applicant if no existing towers or suitable alternative tower structures are located within the geographic antenna placement area required to meet the applicant's engineering requirements including height, structural strength and interference with other antennas. The applicant must demonstrate any limiting factors that render the existing towers and structures unsuitable.

10.4 Design

A. All tower applicants must submit a design showing the visual impact of the maximum number of carriers proposed for the tower. Any additional carriers not approved in the original Special Use Permit will require a separate Special Use Permit. A list of specific carriers is not required.

B. Lattice type towers are discouraged and monopole towers are encouraged. Lattice type towers may be approved if the applicant can demonstrate that a monopole will not fill the applicant's engineering requirements.

C. All new wireless communication facilities will be designed and manufactured to meet the Electronic Industries Association engineering standards.

D. For towers up to one hundred fifty feet (150) in height, the structure and fenced compound will be designed to accommodate at least two providers.

E. For towers greater than one hundred fifty feet (150) in height, the structure and fenced compound will be designed to accommodate at least three (3) providers.

F. Towers will not be lighted unless required by the FFA.

10.5 Certification Required for Building Permit Issuance

A. Affidavits will be provided to show conformance with all Federal Aviation Administration (FAA) requirements.

B. Affidavits will be provided to show conformance with all FCC technical emissions standards and licensing requirements.

C. Prior to permit issuance, an operational certificate prepared by a professional engineer will be provided by the applicant that indicates compliance with applicable building code requirements and EIA standards.

10.6 Setbacks

Tower bases shall be located away from the property lines by a minimum of one foot (1) for each one foot (1) of tower height.

10.7 Minimum Site Area Requirements

Wireless communication facilities are exempt from the zoning districts' minimum site area requirements. Site area is determined by setback and parking requirements.

10.8 Fencing Requirements

All facilities must be enclosed by appropriate fencing of chain link, wood or other approved alternative. Fencing may not exceed twelve feet (12) in height.

10.9 Parking

Site must be able to accommodate off-street parking so as not to impede rights-of-way.

10.10 Noise or Vibration

No noise, odor or vibration shall be emitted so that it exceeds the general level of noise, odor or vibration emitted by uses outside the site. Such a comparison shall be made at the boundary of the site.

10.11 Removal of Abandoned Wireless Communication Facilities

Any facility that is not operated for a continuous period exceeding twelve months will be considered abandoned and the owner of such facility will remove the structure(s) within 90 days of receipt of notice from the Code Enforcement Officer. At the time of application for a building permit a bond must be posted by the applicant to cover removal costs of the tower and facility, should the applicant fail to remove the tower within the 90 day notice of abandonment. The cash or surety bond will be released upon removal of the facility by the owner. A surety bond will be limited to 5 years, at which time the City may require renewal for another 5 year period.

10.12 Historic Districts

Prior to the Special Use Permit process all facilities constructed within the Historic Districts shall be reviewed by the Design Review Board for aesthetic blending. The recommendation of the Design Review Board shall accompany the recommendation of the Planning and Zoning Commission to the Public Hearing before Council. (O-00-20)

ARTICLE 10A REGISTERED NONPROFIT MEDICAL MARIJUANA DISPENSARIES

(Ordinance O-11-04, APRIL 2011)

10A.1 Statement of Purpose

The City of Bisbee hereby exercises its authority, pursuant to A.R.S. 36-2806.01, to enact reasonable zoning regulations that specifically limit the use of land within this jurisdiction to specific areas for the establishment and operation of medical marijuana dispensaries. The existence of these land use regulations does not alter or amend the applicable state and federal laws which govern the use of marijuana in this state. All of the terms used in these regulations shall have the same meanings as these same terms have in the applicable laws and regulations of the State of Arizona governing the use of medical marijuana in this State.

10A.2 Location of Medical Marijuana Dispensaries

A. Medical marijuana dispensaries may only be located within C1, C2, C3, C4 and M1 zoning districts within this City and are subject to the Special Use Permit process as established in this Zoning Code. Any such medical marijuana dispensary, or any component of such dispensary, may only be authorized upon the approval of a Special Use Permit for such use, within one of the designated districts, subject to such terms and conditions as the Mayor and Council may impose upon such use.

B. In the event that transactions and operations authorized by the State of Arizona for a medical marijuana dispensary are to be conducted at more than one contiguous location, the applicant shall obtain separate Special Use Permits for each such location.

10A.3 Application for and Approval of the Special Use Permit

A. In addition to the information typically provided for a Special Use Permit application, the applicant for a medical marijuana dispensary Special Use Permit shall provide the City with a copy of the same detailed information that has been or will be provided to the State of Arizona describing the facility that is proposed and the manner in which the requirements of the applicable the laws and regulations of the State of Arizona will be met. This application shall include a detailed site plan, complete explanation of all of the functions that are proposed for this location, description of anticipated off-site impacts, and proposals for how each of these impacts will be mitigated.

B. The City may grant a Special Use Permit prior to the final issuance of the certificate and registration of this dispensary by the State of Arizona. In any such case, a Special Use Permit issued prior to final State approval shall not constitute any right to operate or to conduct the business of a dispensary at any such facility prior to the time that the applicant delivers to the City a copy of all necessary approval and certification documents for this facility, as issued by the State of Arizona, and has obtained written confirmation from the Planning Director that all of the Special Use Permit conditions have been met.

C. In the event that the State of Arizona requires any substantial amendment to the construction, lay out or physical dimensions of the dispensary, or adds any types of operations not previously approved for this site by the City, as a condition for its approval, the applicant will be required to obtain an amended Special Use Permit that includes any such changes prior to beginning its operations.

D. A Special Use Permit for a medical marijuana dispensary shall terminate upon the revocation or termination of the certification from the State of Arizona which authorizes the operation of any such facility at that site. A new Special Use Permit will not be required in the event that ownership of the facility is transferred from one owner to another without any substantial break in service, provided that the dispensary will continue to be operated in the same manner and under the same terms and conditions.

10A.4 Standard Conditions for Medical Marijuana Dispensaries

A. Unless expressly modified in this Article or by applicable State law or regulations, all of the general provisions of the City of Bisbee Zoning Code and each of its building, construction and safety codes shall be applicable to these uses.

B. For any medical marijuana dispensary that will provide any services directly to the public, there must be provided on the site, or immediately adjacent to the public entrance way if the parking lot is located on a

separate parcel or pad, not less than four (4) paved, public and free parking spaces, at least two (2) of which must be fully compliant with all applicable requirements for full disability access. In addition, the dispensary must have one (1) additional such parking space for each two (2) employees working at that location at the same time, in excess of the first two such employees; one (1) additional such parking space for every two hundred (200) square feet of retail floor space in excess of the first two hundred (200) square feet; and one (1) additional such parking space for each five hundred (500) square feet of manufacturing or production floor space. For every ten (10) parking spaces provided, not less than two (2) shall meet all disability access requirements.

C. For the portions of each existing dispensary structure that will be accessible to the public, the applicant will be required to comply with all regulations and standards for disability access in the same manner as would be applicable to the construction of a new building for this purpose.

10A.5 Operations of a Registered Caregiver

A. The operations of a duly registered and designated caregiver may be conducted as a home occupation provided that any such caregiver meets all of the conditions of this Zoning Code for a lawful home occupation. Any registered caregiver who cannot meet these standards will be required to obtain a Special Use Permit at an appropriate location, within one of the zoning districts that are available for medical marijuana dispensaries.

B. A caregiver may be subject to criminal prosecution for any marijuana related actions that are not in strict compliance with the terms and conditions of his or her registration as a caregiver or that are not in conformance with all applicable criminal laws.

ARTICLE 11 MASTER DEVELOPMENT PLANS
(O-06-25)

11.1 Purpose of Master Development Plans

A master development plan is a duly adopted component of the City of Bisbee land use planning process. It is intended to provide a detailed framework for the coordinated development of a specific area. A properly developed master development plan is intended to provide a means for addressing what may be required for the orderly development of a particular area and what may be required for the integration of this area into the larger community, without placing undue burdens upon the existing community. A master development plan will include, but is not limited to, the determination of basic land use densities; the identification of specific future land uses and the boundaries of such uses; the description of the general character, extent, and location of major thoroughfares, collector streets, major drainage ways, and the overall plan for the transportation network; and the specification of the requirements for open space, schools, parks, and community and local area recreation facilities within the plan area.

11.2 Requirement for a Master Development Plan

A master development plan shall be required if one or more of the following are proposed:

A. A proposed zoning amendment, or initial City zoning in the case of an annexed area, for any area that is proposed to be developed with one hundred (100) or more residential units or that includes twenty-five (25) acres or more that will be subject to future development.

B. A proposed zoning amendment, or initial City zoning in the case of an annexed area, for any area proposed to include multiple zoning districts and a mixture of residential and non-residential zoning districts or to include a Planned Area Development (PAD) zone.

A Master Development Plan may be submitted by any property owner who is proposing a phased development for which integrated planning would be appropriate.

11.3 Status of Master Development Plans

A. Master development plans constitute official guides for the Planning and Zoning Commission, the Mayor and Council, and all City officials for accomplishing a coordinated, orderly and well-planned development of specific areas through zoning regulations, subdivision design regulations, establishment of setback lines, road alignments, land use locations, and other methods provided by law. Master development plans shall be consistent with the City's General Plan.

B. Master development plans constitute official notice to all agencies and to the general public of the general nature of the proposed development for the designated areas.

C. All development within an approved master development plan area shall be substantially in conformance with the provisions of that plan.

D. All development within an approved master development plan area shall conform to all site development standards, and the City of Bisbee subdivision regulations, as applicable, unless specifically waived or modified by the Mayor and Council in the approval of the master development plan.

11.4 Effect of Master Development Plans upon Zoning Changes and Subdivision Plat Approvals

In amending zoning classifications, changing zoning district boundaries, or approving subdivision plats for properties included within an adopted master development plan, the Planning and Zoning Commission and the Mayor and Council shall be guided by any applicable plan, but may allow minor variations from the adopted plan for zoning district boundaries, exact land use classification, or the exact character, extent and location of major thoroughfares, collector streets, drainage ways, structures, open space, schools, parks and other community facilities. However, in allowing these minor variations, the Planning and Zoning Commission and Mayor and Council shall not alter the policies set by the master development plan with regard to basic densities, general boundaries of the various land use districts, and the general character, extent and location of the major thoroughfares, collector streets, drainage ways, structures, open space, schools, parks and other community

facilities. In the event that the Planning and Zoning Commission and Mayor and Council desire to alter any policy established by a master development plan, they may amend the plan by following the procedures set forth herein. Zoning amendments which conform to adopted master development plans shall not be considered to be "spot" zoning.

11. 5 Submittal Requirements for Master Development Plans

A. The applicant shall submit a master development plan map or maps, drawn at a scale of either fifty (50), one hundred (100), or two hundred (200) feet to one inch, or at a scale approved by the Zoning Administrator, and including the following information:

1. Title of the development, a legal description of the property, parcel number(s), name of the developer and registered land surveyor or engineer, date of the plan, a north arrow and scale.

2. A vicinity map showing the general location of the property and development.

3. Boundary lines and ties to at least two section corners or quarter corners, and dimensions of plan area boundaries, by bearing and distance. Section lines and mid-section lines shall be clearly designated.

4. Existing land uses, zoning status, roads and wash corridors within the designated area and within one quarter (¼) mile of the proposed plan area.

5. Proposed sizes and uses of the various types of lots or parcels to be developed, including acreage or square footage.

6. General topography of all drainage ways or watercourses within the plan area and all flood hazard zones; at contours approved by the Zoning Administrator, and preliminary plans for addressing off-site and on-site run-off.

7. Major street layout, including existing major thoroughfares serving, abutting, or located within one quarter mile of the proposed plan area; proposed collector and arterial streets, with proposed right-of-way widths; existing easements and rights-of-way within the plan area; and all existing and proposed points of ingress and egress.

8. If more than one zoning district is proposed, boundaries of the different zoning districts.

9. The general location of proposed residential areas, including the housing types proposed for each area; the types of proposed building construction, per the Building Code; the location of local and general commercial and industrial areas, if any; the location and approximate sizes of open space areas, major off-street parking and loading areas, and pedestrian and equestrian circulation systems, if any; and the proposed locations of public facilities such as schools, parks and recreation facilities, if any.

10. The general location of existing and proposed utilities, treatment plants, access easements and other utility service facilities.

11. The intended phasing of the development, if applicable.

B. The Master Development Plan Map shall be accompanied by a written report, to be adopted as a part of the master development plan, that includes the following information:

1. Methods of screening and buffering, where incompatible land use configurations necessitate protection for the proposed development or surrounding development.

2. Provisions for creation, use and maintenance of open space, recreation areas and preservation of scenic features of the land.

3. General provisions for pedestrian, bicycle and equestrian circulation throughout the development, if applicable.

4. Statement specifying how roads, State-approved waste disposal, water supply, fire protection, and utilities will be provided, with approximate timing and location, including closest sewer and community waterlines and capacity to serve this development.

5. Statement specifying how amenities are to be provided (sidewalks, open space, parks, recreational facilities, streetlights, curb and gutter, landscaping) including approximate timing and locations.

6. Statement of general kinds of development standards intended to be controlled through deed restrictions (i.e., architectural design, building height, construction materials, common area development and maintenance, landscaping, screening and buffering of individual sites).

7. Statement of the projected population and anticipated impact of the development upon existing regional utilities and community facilities and services including, but not limited to water, electricity, sewer and solid waste disposal, schools and parks, police and fire protection.

8. Report or narrative assessing adequacy of the water supply to serve the proposed development and the anticipated impacts upon other existing users of this same water source.

9. Projected trip generation for the entire project at completion. If projected trip generation is of sufficient magnitude to significantly increase traffic in the area, thereby reducing the level of service on one or more abutting or surrounding streets; or where existing demonstrable traffic problems have already been identified such as a high number of accidents, substandard road design or road surface; or where existing roads in the area are near, at, or over capacity, a traffic impact study including the following additional information is necessary:

   a. Survey of thoroughfares, collectors and arterial streets, existing and planned, within at least one half (½) mile of the proposed plan area.

   b. Consolidation of existing traffic data; estimates of future traffic.

   c. Trip assignments and their effect on traffic flow along streets serving the site.

   d. Proposed thoroughfare alignments, capacities, signalization requirements, lanes and intersection configurations.

   e. Timing and methods of right-of-way improvements as necessary to serve projected traffic loads.

   f. Current level of improvement of major routes serving the site.

   g. An inventory and analysis of off-site improvements to be made, with approximate timing for each phasing.

   h. Provisions for controlling access to major streets.

10. Provisions for water conservation measures, including but not limited to effluent re-use, recharge facilities, low-flow appliances, and deed restrictions governing water use, drought-tolerant landscaping or limitations on irrigation.

11. Soils analyses for any proposed plan area shown on the most recent soil survey (USDA, Natural Resources Conservation Service) as containing soils having moderate to severe erosion hazard or corrosivity.

12. Statement of development time period, not to exceed five (5) years from approval unless otherwise approved by the Mayor and Council.

C. For proposed developments within the San Jose planning and growth areas, including all areas south of the Old Bisbee planning area and west of the Tintown neighborhood, the applicant shall submit a written report that analyzes how the "Guiding Principles and Best Practices for the San Jose District," included in Volume II, Appendix D of the

City of Bisbee General Plan, have been applied in this proposed master plan. This report shall address how the designated principles will be addressed and which of the best practices will be employed in any implementation of the proposed plan.

D. The applicant shall also submit a written report describing the pre-application citizen review process. This report shall include a copy of the notice sent to neighboring property owners, copies of the information provided to the public, the sign up sheet for the public meeting, copies of any written responses received, a summary of the comments received at the public meeting and a description of how the applicant has responded or intends to respond to the comments that have been received.

E. Certain submittal requirements in Sections A and B, but not C and D, may be waived upon a determination by the Zoning Administrator that they are not applicable or necessary to the proposed application.

11.6 Schedule of Development

The Mayor and Council may approve a master development plan conditioned upon a schedule for the development of the specific use or uses, and associated improvements designated in the plan. This schedule shall not exceed five (5) years unless a longer period is specifically authorized by the Mayor and Council. If, at the expiration of any designated term, the developer has failed to comply with the applicable conditions, the Mayor and Council shall schedule a public hearing to consider granting an extension, establishing an amended compliance schedule for development, or revoking approval of the master development plan. The owner and the applicant who requested plan approval, or any successor in interest, shall be notified of the hearing by certified mail.

11.7 Revocation of a Master Development Plan

If the Mayor and Council revokes its approval of a master development plan, the plan shall no longer provide a basis for any future development. If the developer has completed certain phases of the project as required by the approved plan, any such specific areas shall continue to be subject to the applicable, approved uses, densities, site development standards and conditions of the master development plan. All uncompleted phases will be subject to the plan area, category, site development standards and densities of the original zoning district, as if the master development plan had never been implemented, until such time that a new master development plan is adopted or a new zoning district is approved.

11.8 Procedure and Standards for Adopting and Amending Master Development Plans

The Mayor and Council may approve a plan as submitted, adjust or amend it as may be appropriate, or disapprove a proposed plan. A master development plan shall be adopted and amended by ordinance, in the same manner as amendments to the Zoning Ordinance. See Article 3. A master development plan, or any amendment thereof, may be approved provided that the Mayor and Council determine that it would be in the public interest to do so and the plan, or amendment, is found to be consistent with the following criteria:

A. That the location, design and size of the development can be integrated with the surroundings and it will harmonize with any existing development on adjacent properties, or in the case of a departure of character from surrounding uses, that the location and design will adequately reduce potential impacts of the development so that the project will not be detrimental to the neighboring properties or uses within the City.

B. That the streets and roads proposed for the development, both within and without the plan area, are suitable and adequate to serve the proposed uses and the anticipated traffic which will be generated thereby and that proper provisions for the maintenance of such streets has been addressed in a manner that will not impose an undue burden upon the City.

C. The use and value of adjacent properties will not be adversely impacted to a significant extent by the proposed project as a result of appropriate physical barriers, buffer zones, or the design of the proposed development for the perimeter of the plan area.

D. That suitable retention, detention and drainage areas have been provided for the development, as necessary to protect the property and the neighboring properties from any hazards resulting from water falling on or flowing across the site and that proper provisions for the maintenance of any retention, detention or water storage areas has been provided.

E. That the location, design, size and types of the proposed uses are such that the residents or establishments to be located on the site will be adequately served by the existing or planned public facilities and utility services and that the continuing availability of water resources to the existing community will not be adversely impacted.

F. That the parks, open space and recreational facilities of the plan area are adequate for the uses and needs of the occupants of the plan area.

G. That the development of the plan area will not adversely impact the City's pre-existing interests in protecting the health, safety and welfare of its residents.

H. That the proposed master development plan or amendment is consistent with the policies established in the City's General Plan. For proposed developments within the San Jose planning and growth areas, including all areas south of the Old Bisbee planning area and west of the Tintown neighborhood, this shall include a determination that the approval of the proposed development plan will be consistent with the policies of the "Guiding Principles and Best Practices for the San Jose District," as included in Volume II, Appendix D of the City of Bisbee General Plan.

11.9 Pre-application Citizen Review Process

A. The purpose of this pre-application citizen review process is to achieve the following:

1. To require applicants to seek early and informed citizen input on their applications, giving the applicant an opportunity to learn of any objections and to mitigate any real or perceived impacts that their applications may have on the neighborhood or community, prior to expending significant funds on this process;

2. To allow the citizens and property owners to have an adequate opportunity to learn about applications that may affect them and applicants to address concerns at an early stage of the process; and

3. To facilitate ongoing communication between the applicant, interested citizens, property owners and City staff throughout the application review process.

B. The citizen review process is not intended to produce consensus on all applications. It is intended to provide applicants with the information necessary to be good neighbors and to allow for informed decision-making. This procedure is not a substitute for the other public hearings that are required by Arizona law and City Code.

C. Prior to submitting a formal application, an applicant shall meet with the planning staff for the following purposes:

1. To familiarize staff with the project and to identify and discuss any issues related to the application.

2. To go over the application requirements, including the pre-application citizen review report. Staff will make arrangements with the applicant at this time for identifying the property owners that will need to be notified.

D. The applicant shall provide a summary of the proposed plan, including the nature of the property uses that are proposed, the number of occupants and business that are anticipated, the improvements to be constructed by the developers and the specific location of the property, including a map. This summary shall also include the date, time and location of a public meeting scheduled for the explanation and discussion of this proposal. This notice shall be sent to the following, not less than 15 days prior to the public meeting:

1. All of the property owners who own property that is located within the area subject to the application.

2. All of those property owners who own property that is located, in whole or in part, within 500 feet from the boundaries of the subject property, including those within and without the corporate limits of the City.

3. The Mayor and Council of the City of Bisbee.

4. The notice of the public meeting shall also be posted on the subject property, on at least two locations that will be visible to the public, and shall be published as a display ad in the City's newspaper of record not less than ten days prior to the hearing.

For purposes of this section and all other provisions requiring notice to property owners, "property owners" shall be deemed to be those owners designated in the available records of the most recent assessment of the property for property tax purposes.

E. Prior to submitting an application, the applicant shall hold at least one public meeting to explain the proposal, to receive public comments and to discuss the impacts on the community and possible ways alleviate these.

ARTICLE 12 WATER CONSERVATION PROGRAM
(O-08-01)

12.1 Purpose and Intent.

The City of Bisbee is located in a semi-arid region, near the boundaries of the Chihuahua and Sonora Deserts. This is an area of limited available water resources which periodically experiences long-term droughts. Significant portions of the City of Bisbee are within the Upper San Pedro Watershed and the City derives its domestic water from this area. The City of Bisbee recognizes that the continuing use of the limited water resources within this area will have an impact upon the both the groundwater and surface water resources of this area, and in particular upon the viability of the San Pedro River. The City and its citizens further recognize that they have an obligation to use and to manage these water resources wisely and in a manner that will sustain these resources for future generations. Prudent use of the available water resources is necessary to protect the health, safety and well-being of this community and to avoid potential conflicts with applicable federal law.

The City of Bisbee's Water Conservation Program is intended to apply on a multi-faceted basis to fulfill these purposes. It includes elements that are intended to limit the impacts of new and additional water uses in this area in a reasonable manner, to apply appropriate regulations that will improve the efficiency of new and remodeled facilities and to encourage the citizens of Bisbee to engage in conservation practices, based upon an educational program.

12.2 Outdoor Water Conservation Requirements.

12.2.1 Site plans, as required for a commercial or multi-family project, subdivision improvement plans and master development plans, shall include a specific description of the landscaping plan with the locations of the species to be planted, the irrigation plan and an estimate of the proposed water usage for all proposed areas of turf and other irrigated vegetation. For subdivisions and multifamily projects, this analysis shall also include the estimated areas for all common and park space and for all residential yards that are not restricted to low water use vegetation. The developer shall demonstrate how any such proposed irrigation usage will be consistent with the purpose and intent of this conservation program. Irrigated turf shall not be allowed in new commercial development.

12.2.2 Site plans, as required for a commercial or multi-family project, subdivision improvement plans and master development plans, shall include a specific description of the landscaping plan with the locations of the species to be planted, the irrigation plan and an estimation of the proposed water usage for all proposed areas of turf and other irrigated vegetation. For subdivisions and multifamily projects, this analysis shall also include the estimated areas for all common and park space and for all residential yards that are not restricted to low water use vegetation. The developer shall demonstrate how any such proposed irrigation usage will be consistent with the purpose and intent of this conservation program.

12.2.3 If a subdivision developer provides one or more model homes with any landscaping or yard improvements, at least one of any such model units shall include low water use, xeriscape-type landscaping as an option. If developer or builder-provided landscaping is offered to the buyer of a new home, low water use, xeriscape-type landscaping shall be included as one of the available options.

12.2.4 All new outdoor swimming pools and spas shall be equipped with a cover which shall be used when the pool or spa is not occupied to limit water loss due to evaporation.

12.2.5 New golf courses shall only be permitted upon a demonstration by the developer that the proposed course has been designed and will be maintained in a manner that is consistent with the best available low water use designs and practices; that treated effluent will be used to the fullest extent that it is available; that any ponds, lakes and artificial water features will only be used as a necessary component for water reclamation or re-use, recharge or storm water control; that the course design will result in as little impact upon the natural topography and native vegetation as may be reasonably possible; and that the proposed course would be beneficial to the community and consistent with the purpose and intent of this water conservation policy. Irrigated turf areas for golf courses shall not exceed an average of five (5) acres per hole.

12.2.6 Water-impermeable ground covers or barriers, such as plastic, shall not be used on or under landscaping, mulch, or rock, unless the barrier is included as a component of an approved water collection or storm-water management plan. Permeable weed barriers are acceptable.

12.2.7 Landscaping and irrigated vegetation shall be installed and maintained in a manner that is consistent with the approved site plans for the project. All exposed soil shall be covered with not less than 2 inches of mulch material. Irrigation systems

shall be installed with 30-day scheduling capacity and with rainfall shutoff devices which interrupt the delivery of irrigation water when effective rainfall is present. Irrigation systems shall be designed and installed to avoid runoff and overspray during operation.

12.2.8 Vegetation and landscaping within street medians, parking areas, common areas, conservation areas and open space areas shall meet the following requirements:

a. Irrigated turf shall only be allowed in common areas that are available for public use.
b. Irrigated turf shall not be allowed in areas that are eight (8) feet wide or less.
c. Irrigated turf and high-water use plants shall not be allowed on slopes that exceed twenty-five percent.
d. Irrigation systems on commercial property or commercially managed multi-family residential property shall include timers and rain sensors and shall be designed and managed to limit unnecessary run-off.

12.4 Educational Programs and Demonstration Projects

The City shall support and implement, subject to the availability of funds, educational and demonstration programs to assist the citizens of this community in reducing their usage of water. This may include, but shall not be limited to, programs to encourage the members of the public to avoid wasting water resources through such activities as the following:

Using alternative means, other than water, to clear off parking lots, driveways, sidewalks or other public spaces, except as may be necessary to alleviate an immediate health or safety concern;

Conducting outdoor irrigation in a manner and at a time that increases efficiency and limits the use of water;

Developing recommended lists and educational information on low water use trees and other plants that are well adapted to this area and discouraging the use of plants that have high water demands;

Limiting the use of excessive or unnecessary amounts of water for consumption at public or private eating establishments; or

Otherwise using water resources in a more efficient manner.

The City will investigate and encourage various means of implementing successful water harvesting and conservation programs from other jurisdictions, including the University of Arizona Cooperative Extension Water Wise program. The City will also investigate and implement, subject to the availability of any necessary funds, the means to provide water conservation and wise water use practices on the City's public property, such as water harvesting and the more effective use of storm water runoff.

Homeowner and Building Management Education.

The builder or developer of a new residential project shall provide the first owner/occupant with an Operating Manual that includes specific instruction for the efficient use, operation, and maintenance of all water consumptive appliances, irrigation and water delivery systems, pools and spas, as applicable.

If an irrigation system is installed, the builder shall provide the single –family homeowner and/or commercial site owners with an "as-built" drawing (e.g. schematic) of the system, an itemized list of irrigation components, copies of the irrigation schedules, and instructions on the how to reprogram the schedule after the landscaping is established.

APPENDIX

APPENDIX TO THE ZONING CODE

City of Bisbee: Uses and Zone Matrix

LEGEND
R = Residential Zone
RM = Manufactured Home Zone
C = Commercial Zone
CM = Commercial Mixed Zone
M = Manufactured Zone
Blank Spaces = Uses Require Special Use Permit
X = Permitted Use

*Those uses that have been specifically precluded within this Code cannot be authorized by the Special Use process.

RETAIL USE	R1	R2	R3	RM	C1	C2	C3	C4	CM 1	CM2	M1	M2	M3
Adult Bookstore / Entertainment													
Automobile Supply					x	x	x	x	x	x			
Automobile Rental					x	x	x	x	x				
Automobile Sales New/Used							x	x					
Bakery					x	x	x	x	x	x			
Department Store							x	x					
Drug Store					x	x	x	x	x	x			
Electronics Store					x	x	x	x	x	x			
Farmers Market					x	x	x	x	x	x			
Feed & Seed Store					x	x	x	x	x	x			
Furniture Store						x	x	x		x			
Garden & Nursery						x	x	x					
Hardware Store					x	x	x	x	x	x			
Home Supply / Lumber Yard							x	x					
Indoor Swap meet												x	
Liquor/Wine Store – Package					x	x	x	x	x	x			
Publishing, Printing							x	x					
Shopping Center, Plaza, Malls								x					
Specialty Retail Store					x	x	x	x	x	x			
Supermarket							x	x					
Thrift Store					x	x	x	x	x	x			
Video Store					x	x	x	x	x	x			

SERVICE USES	R1	R2	R3	RM	C1	C2	C3	C4	CM1	CM2	M1	M2	M3
Alcoholic Bev. Estab (Off premise consumption)							x	x					
Auction House/ Yard												x	
Auto Cleaning/ Detailing					x	x	x	x	x	x			
Automotive Gas Station/ Convenience Store					x	x	x	x	x	x			
Automotive Full Service					x	x	x	x	x	x			
Auto Repair Garage/ Auto Body					x	x	x	x	x	x			
Bed & Breakfast					x	x	x	x	x	x			
Commercial/Industrial Rentals													
Equipment Rental/ Leasing								x			x	x	x
Funeral Home / Mortuary							x	x					
Hotel/ Convention Center							X	x					
Motel							x	x					
Radio / TV Broadcasting							x	x					

PERSONAL PROFESSIONAL SERVICES	R1	R2	R3	RM	C1	C2	C3	C4	CM 1	CM2	M1	M2	M3
					x	*x*	*x*	*x*	*x*	*x*			
Including, but not limited to: Commercial Photography, Computer Maintenance, Hairstyling Shop, Kennels, Sewing-alteration, Tattoo Parlor, Dog Grooming, Gunsmith, Pest Control Services, Print Shop, Professional/Business Office, Repair Large Appliance, Security System Service, Coin Op Laundry, Financial Institution, Massage Therapist.													

EDUCATIONAL RECREATIONAL/SOCIAL	R1	R2	R3	RM	C1	C2	C3	C4	CM 1	CM2	M1	M2	M3
Antique Gallery/ Museum Art Gallery					x	x	x	x	x	x			
Auditorium							x	x					
Boarding School					x	x	x	x	x	x			
Bowling Ctr/ Skating Rink							x	x					
Cemetery	x	x	x	x	x	x	x	x	x	x			
Church/ Place of Worship	x	x	x	x	x	x	x	x	x	x			
College/ University	x	x	x	x	x	x	x	x	x	x			

EDUCATIONAL RECREATIONAL/SOCIAL (cont'd)	R1	R2	R3	RM	C1	C2	C3	C4	CM 1	CM2	M1	M2	M3
Community Educ. Center	x	x	x	x	x	x	x	x	x	x			
Dance. Art, Music Studio					x	x	x	x	x	x			
Golf Course, Driving Range							x	x					
Motion Picture Theatre							x	x					
Parking Garage/Lot Commercial					x	x	x	x	x	x			
Physical Fitness Center						x	x	x		x			
Pool Hall/Arcades					x	x	x	x	x	x			
Private Clubs						x	x	x		x			
Recreational Fac.-Indoor	x	x	x	x	x	x	x	x					
Schools-Pre school-12	x	x	x	x	x	x	x	x					
Swimming Pool- Public	x	x	x	x	x	x	x	x					
Vocational/ Professional School	x	x	x	x	x	x	x	x					
Off Track Betting					x	x	x	x					
Gaming Center						x	x	x	x	x	x		

STORAGE USES	R1	R2	R3	RM	C1	C2	C3	C4	CM 1	CM2	M1	M2	M3
Self-storage – individual units for rent						*x*	*x*	*x*	*x*	*x*			
Self-storage (auto, RV, trailer, boat)							*x*	*x*	*x*	*x*			
Towing Yard/Impound Lot (towed vehicles only)							*x*	*x*	*x*	*x*	*x*	*x*	*x*
Warehousing, retail/wholesale goods, non-flammable, non-hazardous					*x*	*x*	*x*	*x*	*x*	*x*	*x*	*x*	*x*
Warehousing, flammable, hazardous material storage											*x*	*x*	*x*
Vehicle salvage, recycling, junk yard, dismantling &/or scrapping (includes long term storage of junked vehicles for parts, sales													*x*

PUBLIC USES	R1	R2	R3	RM	C1	C2	C3	C4	CM 1	CM2	M1	M2	M3
Library / Museum	x	x	x	x	x	x	x	x	x	x			
Government Offices						x	x	x	x	x			
Park / Open Space Area	x	x	x	x	x	x	x	x	x	x	x	x	x
Post Office	x	x	x	x	x	x	x	x	x	x	x	x	x
Public Transportation Terminal / Taxi	x	x	x	x	x	x	x	x	x	x	x	x	x
Fire/ Police/ Rescue Stations	x	x	x	x	x	x	x	x	x	x	x	x	x

*** See Section 5.2.3**

RESIDENTIAL USE	R1	R2	R3	RM	C1	C2	C3	C4	CM1	CM2	M1	M2	M3
One Family Dwelling	X	X	X	X	X	X			*	*			
Two Family Dwelling		X	X	X					*	*			
Multiple Dwellings			X	X					*	*			
Apartment Houses			X	X					*	*			
Condominiums			X	X					*	*			
Manufactured Home				X									

• R3 Density to be determined by Site Plan Committee

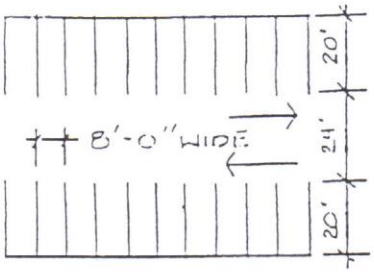
HEALTH CARE USES	R1	R2	R3	RM	C1	C2	C3	C4	CM 1	CM2	M1	M2	M3
Day Care Center	x	x	x	x	x	x	x	x	x	x			
Family Foster Home	x	x	x	x									
Group Care Home	x	x	x	x									
Half way House	x	x	x	x	x	x	x	x	x	x			
Homeless / Rehab Center					x	x	x	x	x	x			
Hospital							x	x					
Medical & Dental Lab Office					x	x	x	x	x	x			
Scientific research Lab											x	x	x
Veterinarian Office					x	x	x	x	x	x			
Residential Care Establishment (Over Ten)					x	x	x	x	x	x			
Residential Care Facility (Under Ten)	x	x	x	x	x	x	x	x					

MANUFACTURING USES	R1	R2	R3	RM	C1	C2	C3	C4	CM 1	CM2	M1	M2	M3
Cabinet Repair / Woodworking								x			x	x	x
Comm Meat Processing													x
Dry Cleaning Plant											x	x	x
Fabrication & Assembly											x	x	x
L.P. Gas & Equipment												x	x
Manuf-Mod. Homes/ RV													x
Medical Waste Facility													x
Product Distrib. Center											x	x	x
Receive Only earth Station												x	x
Retail w/Assembly or Light Manufacturing											x	x	x
Solid Waste Landfill Solid Waste Landfill													x

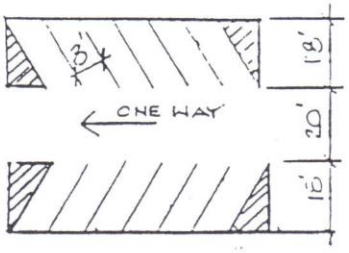
Special Use Permit Required	R1	R2	R3	RM	C1	C2	C3	C4	CM 1	CM2	M1	M2	M3
Airport													
Extraction - Mining, Sand, Gravel, Oil, Gas													
Guest Ranches													
Lakes / Reservoirs (Man-made)													
Overnight Campgrounds													
Race Tracks													
Rodeo Arena/ Commercial Stables													
Shooting Ranges													
Temp. Sales Structure													
Heli Pad / Heli Port													
Signage – All Signage outside allowable Uses													
Communications facilities/ Antennas													
Alternative Lodging Parks													

APPENDIX
Figure Two (2)

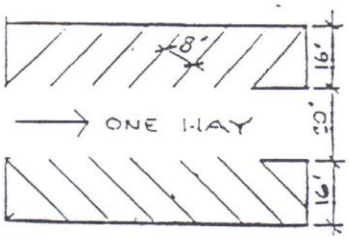
City of Bisbee: Parking Diagrams and Accessible Spaces



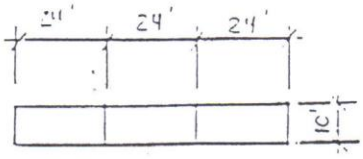
90 degree parking



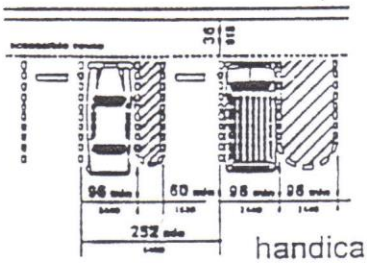
60 degree parking



45 degree parking

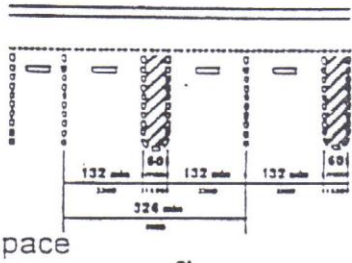


parallel parking



(a)
Van Accessible Space at End Row

handicap space



(b)
Unbroken Parking Space Design

Fig. A5
Parking Space Alternatives

Required Number of Minimum Accessible Spaces for Handicap Parking

Total parking spaces in lot	Minimum number of accessible spaces required
1 to 25	1
26 to 50	2
51 to 75	3
76 to 100	4
101 to 150	5
151 to 200	6
201 to 300	7
301 to 400	8
401 to 500	9
501 to 1,000	2 percent of total
Over 1,000	20 plus 2 for each 100 over 1,000