

ORDINANCE O-22-02

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF BISBEE, COUNTY OF COCHISE, STATE OF ARIZONA, AMENDING ZONING CODE ARTICLE 6, BY ESTABLISHING A NEW SECTION 6.17 ENTITLED "ACCESSORY DWELLING UNITS (ADU)" FOR THE PURPOSE OF ALLOWING ACCESSORY DWELLING UNITS (ADU) TO SUPPORT MULTI-GENERATIONAL HOUSEHOLDS, ENCOURAGE FLEXIBLE HOUSING OPTIONS FOR SENIORS, PROVIDE SUPPLEMENTAL INCOME FOR HOMEOWNERS, AND INCREASE THE SUPPLY OF AFFORDABLE HOUSING; DECLARING THE DOCUMENT ENTITLED "AMENDMENT TO ZONING CODE ARTICLE 6, BY ADDING SECTION 6.17 ACCESSORY DWELLING UNITS (ADU)" AS A PUBLIC RECORD; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCE; AND PROVIDING FOR SEVERABILITY.

WHEREAS, the City of Bisbee ("City") Zoning Code serves to secure the social, physical, and economic advantages of the citizens of Bisbee; and

WHEREAS, the City's Planning and Zoning Commission develop and recommend ordinances to the City Council for carrying out plans, goals, and objectives related to growth, development, and redevelopment of the City; and

WHEREAS, in order to preserve the unique beauty of the City and encourage growth, the Planning and Zoning Commission approved the recommendation of a proposed amendment to Zoning Code, Article 6, by adding Section 6.17 which would allow for Accessory Dwelling Units (ADU) as set forth in that certain document entitled "Amendment to Zoning Code Article 6, by Adding Section 6.17, Accessory Dwelling Units (ADU)," three copies of which are on file with in the office of the City Clerk and are a public record; and

WHEREAS, it is in the best interests of the City and its citizens to adopt the amendment to Zoning Code, Article 6, by adding Section 6.17, Accessory Dwelling Units (ADU).

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

Section 1. That certain document entitled "Amendment to Zoning Code Article 6, by Adding Section 6.17, Accessory Dwelling Units (ADU)," three copies of which are to remain on file with in the office of the City Clerk, and attached hereto as Exhibit "A" is hereby declared to be a public record and said copies are to remain on file with the City Clerk.

Section 2. The amendment to Zoning Code Article 6, by adding Section 6.17, Accessory Dwelling Units (ADU), as set forth in the attached Exhibit A, incorporated herein by reference, is hereby adopted.

Section 3. Providing For Repeal of Conflicting Ordinances. All ordinances and parts of ordinances in conflict with the provisions of this Ordinance or any part of the Zoning Code adopted herein by reference, are hereby repealed.

Section 4. Providing For Severability. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held to be invalid or unconstitutional by the

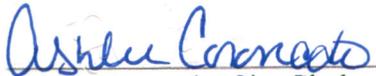
decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions.

PASSED, APPROVED AND ADOPTED by the Mayor and Council of the City of Bisbee on this 1st day of March, 2022.

APPROVED:


Ken Budge, Mayor

ATTEST:


Ashlee Coronado, City Clerk

APPROVED AS TO FORM:


Joseph Estes, City Attorney

I, ASHLEE CORONADO, CITY CLERK, DO HEREBY CERTIFY THAT A TRUE AND CORRECT COPY OF ORDINANCE NO. O-22-02, ADOPTED BY THE MAYOR AND COUNCIL OF THE CITY OF BISBEE ON THE 1st DAY OF March 2022, WAS POSTED IN THREE PLACES ON THE 10th DAY OF March 2022.


Ashlee Coronado, City Clerk

EXHIBIT A

**AMENDMENT TO ZONING CODE ARTICLE 6, BY ADDING SECTION 6.17,
ACCESSORY DWELLING UNITS (ADU)**

6.17 ACCESSORY DWELLING UNITS (ADU)

The purpose of this Code section is intended to support multi-generational households, encourage flexible housing options for seniors, provide supplemental income for homeowners, and increase the supply of affordable housing

A. Definitions:

An Accessory Dwelling Unit, or ADU, shall mean a small residential self-contained dwelling unit, with private bath and kitchen facilities, that is located either in the primary residence or in a detached accessory structure occupying the same lot as a primary residence, both must be clearly subordinate in use and appearance to the primary residence/structure.

An ADU is a *dwelling* unit and not an accessory building as defined in Article 6.3.1 of this Code.

B. Requirements:

After the issuance of a Certificate of Occupancy by the Building Department an Accessory Dwelling Unit may be used for family and guest living quarters or rented. If rented the minimum rental period can be no less than 30 days.

1. Accessory Dwelling Units are allowed in all residential zoning categories, but only one Accessory Dwelling unit is allowed per lot.
2. Parking for Accessory Dwelling Units shall be subject to standards and procedures outlined in the City of Bisbee Zoning Code (Article 8)
3. A Detached Accessory Dwelling Unit is limited to 600 square feet. An Accessory Dwelling Unit within an existing primary residence is limited to forty percent (40%) of the gross floor area.
4. An Accessory Dwelling Unit is subject to the City of Bisbee Zoning Regulations for the applicable Specific Plan Zones concerning lot coverage, setbacks, building heights etc.
5. Amnesty: Existing Dwelling Units, that are rental units, built or converted prior to December 1, 2021 will be given until July 30, 2022 to receive an inspection and to start the billing process for City services at which time amnesty will be given. After July 30, 2022 any non-conforming rental unit will be subject to a fine of one thousand dollars (\$1,000.00) for each violation.

C. Administrative Guidelines:

New construction of Accessory Dwelling Units requires a City building permit and must meet current building code regulations as well as all applicable City of Bisbee Zoning Code regulations and in the Historic Preservation Overlay Zone the Design Guidelines for the Bisbee Historic District.

SPECIAL INSTRUCTION: (to be deleted upon approval and inclusion of Article 6.17 in the City of Bisbee Zoning Code)

In addition to the proposed Article 6.17 above the words “accessory living quarters” will be removed from the City of Bisbee Zoning Code Article 5.2 Division1.