

ORDINANCE O-18-03

AN ORDINANCE AMENDING ZONING CODE ARTICLE 3.5.5 TO CLARIFY THE DESIGN REVIEW BOARD'S AUTHORITY REGARDING THE DEMOLITION OR MOVEMENT OF BUILDINGS IN THE HISTORIC DISTRICT

WHEREAS, the unregulated demolition of buildings has the potential to undermine the historic authenticity of the Historic District; and

WHEREAS, the City of Bisbee wishes to preserve the historic integrity of the Historic District; and

WHEREAS, the City's Design Review Board is charged with protecting the historical character and natural attractiveness of the Historic District; and,

WHEREAS, the Planning and Zoning Commission unanimously approved proposed amendments to the Zoning Code, Article 3, Section 3.5.5, that more clearly describes the Design Review Board's authority over the demolition or movement of buildings in the Historic District, as set forth in Exhibit A hereto; and

WHEREAS, it is in the best interests of the City of Bisbee and its citizens to adopt the amendments to Zoning Code, Article 3, Section 3.5.5 set forth on Exhibit A hereto.

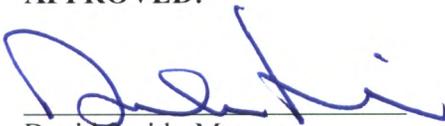
NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF BISBEE, COUNTY OF COCHISE, STATE OF ARIZONA, THAT:

Section 1. The amendments to Zoning Code Article 3, Section 3.5.5, as set forth in the attached Exhibit A, incorporated herein by reference, are hereby adopted.

Section 2. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions.

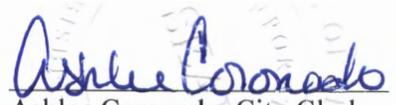
PASSED, APPROVED AND ADOPTED by the Mayor and Council of the City of Bisbee on this 20th day of February, 2018.

APPROVED:



David Smith, Mayor

ATTEST:


Ashlee Coronado, City Clerk

APPROVED AS TO FORM:

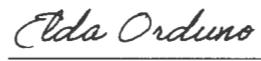
 2.27.18
Elda Orduño, City Attorney

EXHIBIT A

AMENDMENTS TO ZONING CODE ARTICLE 3, SECTION 3.5.5

ARTICLE 3 PROCEDURES

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 its² 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. The structure is judged by the Building Inspector to be a hazard to public safety.~~
 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. Retention of the structure would cause undue financial hardship on the owner, which would be defined as a situation where the investment required to preserve or rehabilitate the structure could not be offset by the return on the property.~~
 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.