

# SILVER CREEK RANCH

# ONLINE REAL ESTATE AUCTION

**Bidding Opens January 12 and Ends January 26 at 6:00 PM (AZ)**

## ***ZONING INFORMATION***

The auction parcels are located in unincorporated Cochise County. Click on the link below for the Cochise County GIS mapping service:

<https://gis-cochise.opendata.arcgis.com/>

Click on the "Interactive Parcel Map". You can search by Assessor Parcel Number or by property address. Once you have searched a property, then click on the "County Zoning" layer to overlay the zoning onto the map.

The zoning on the auction parcels is "RU-4". Click on the link below for the Cochise County zoning regulations (also attached):

<https://www.cochise.az.gov/DocumentCenter/View/137/Zoning-Regulations-PDF>

You can search for "RU-4" to see all zoning information relating to RU-4 throughout the zoning regulation document.

# **COCHISE COUNTY**

## **ZONING REGULATIONS**

Adopted January 1975, Resolution 74-28  
Revised November 1, 1984, Resolution 84-64  
Revised November 4, 1999, Resolution 99-68  
Revised June 20, 2008, R-07-05, Resolution 08-31  
Revised November 20, 2009, R-09-03, Resolution 09-03  
Revised October 22, 2009, R-09-04, Resolution 09-04  
Revised March 2, 2010, R-10-01, Resolution 10-02  
Revised March 15, 2011, R-11-01, Resolution 11-01  
Revised September 27, 2011, R-11-03, Resolution 11-10  
Revised September 27, 2011, R-11-04, Resolution 11-11  
Revised September 27, 2011, R-11-05, Resolution 11-12  
Revised February 14, 2012, R-11-06, Resolution 12-02  
Revised February 14, 2012, R-11-07, Resolution 12-03  
Revised February 14, 2012, R-11-09, Resolution 12-04  
Revised August 20, 2012, R-12-02, Resolution 12-10  
Revised January 7, 2014, R-14-01, Resolution 14-01  
Revised February 25, 2014, R-13-02, Resolution 14-03  
Revised May 6, 2014, R-14-06, Resolution 14-04  
Revised September 9, 2014, R-14-04, Resolution 14-09  
Revised December 2, 2014, R-14-08, Resolution 14-10  
Revised July 26, 2016, R-16-01, Ordinance 16-02  
Revised December 6, 2016, R-16-03, Ordinance 16-07  
Revised March 28, 2017, R-17-01, Ordinance 17-01  
Revised June 25, 2019, R-19-01, Resolution 19-16  
Revised August 27, 2019, R-19-03, Ordinance 19-08  
Revised August 27, 2019, R-19-04, Ordinance 19-07  
Revised April 24, 2020, R-19-06, Ordinance 20-02  
Revised April 24, 2020, R-20-01, Ordinance 20-03  
Revised June 5, 2020, R-20-02, Ordinance 20-09  
Revised July 9, 2020, R-20-03, Ordinance 20-10  
Revised June 18, 2021, R-21-03, Ordinance 21-07  
Revised August 26, 2021, R-21-04, Ordinance 21-12  
Revised December 30, 2021, R-21-03, Ordinance 21-16  
Revised August 25, 2022, R-22-01, Ordinance 22-14  
Revised October 27, 2022, R-22-02, Ordinance 22-20

# CONTENTS

7	ARTICLE 1 TITLE, PURPOSE, AND GUIDING PRINCIPLES	
7	101	ADOPTION OF LAND USE PLAN AND ZONING ORDINANCE
7	102	PURPOSE
7	103	DECLARATION
8	ARTICLE 2 DEFINITIONS	
8	201	INTENT
8	202	INTERPRETATIONS
8	203	DEFINITIONS
29	ARTICLE 3 GENERAL PROVISIONS	
29	301	GENERAL RULES
29	302	CONFORMANCE MANDATORY
29	303	RESOLUTION OF DISPUTES
30	304	SPECIAL PRIVILEGES FORBIDDEN
30	305	MINIMUM REQUIREMENTS
30	306	PRIVATE AGREEMENTS
30	307	NON-PERMITTED USES
31	ARTICLE 4 PLAN AREA DESIGNATIONS AND MASTER DEVELOPMENT PLANS	
31	401	PLAN AREA CATEGORIES & DESIGNATIONS
32	402	DECLARATION
32	403	IDENTIFYING PLAN AREAS BY GROWTH AREA CATEGORY
34	404	GUIDING PRINCIPLES FOR AMENDING PLAN DESIGNATIONS
35	405	MAJOR AMENDMENTS – DEFINITION
35	406	MASTER DEVELOPMENT PLANS
39	407	PROCEDURES FOR AMENDMENTS TO COMPREHENSIVE PLAN



## 42 ARTICLE 5 ZONING DISTRICT, MAPS, AND BOUNDARIES

42	501	ESTABLISHMENT OF ZONING DISTRICTS
43	502	ZONING DISTRICT MAPS
43	503	BOUNDARY DETERMINATION
44	504	OFFICIAL ZONING DISTRICT MAP
44	505	PUBLIC WAY ABANDONMENT
44	506	LANDS PREVIOUSLY ZONED
44	507	LANDS NOT PREVIOUSLY ZONED
45	508	RURAL ZONED DISTRICTS

## 46 ARTICLE 6 RU, RURAL ZONING DISTRICTS

46	601	PURPOSE
46	602	DIVISION OF RU ZONING DISTRICTS
47	603	PERMITTED PRINCIPAL USES
47	604	SITE DEVELOPMENT STANDARDS
49	605	PERMITTED ACCESSORY USES
49	606	OTHER PERMITTED USES
50	607	SPECIAL USE AUTHORIZATION

## 52 ARTICLE 7 R, RESIDENTIAL ZONING DISTRICTS

52	701	PURPOSE
52	702	DIVISION OF R ZONING DISTRICTS
52	703	PERMITTED PRINCIPAL USES
53	704	SITE DEVELOPMENT STANDARDS
54	705	PERMITTED ACCESSORY USES
55	706	OTHER PERMITTED USES
55	707	SPECIAL USE AUTHORIZATION

## 56 ARTICLE 8 SM, SINGLE-HOUSEHOLD/MANUFACTURED HOME RESIDENTIAL ZONING DISTRICTS

56	801	PURPOSE
56	802	DIVISION OF SM ZONING DISTRICTS
56	803	PERMITTED PRINCIPAL USES
57	804	SITE DEVELOPMENT STANDARDS
58	805	PERMITTED ACCESSORY USES
59	806	SPECIAL USE AUTHORIZATION



60 ARTICLE 9 SR, SINGLE-HOUSEHOLD RESIDENTIAL ZONING DISTRICTS

60	901	PURPOSE
60	902	DIVISION OF SR ZONING DISTRICTS
60	903	PERMITTED PRINCIPAL USES
61	904	SITE DEVELOPMENT STANDARDS
62	905	PERMITTED ACCESSORY USES
63	906	SPECIAL USE AUTHORIZATION

64 ARTICLE 10 MR, MULTIPLE-HOUSEHOLD RESIDENTIAL ZONING DISTRICTS

64	1001	PURPOSE
64	1002	DIVISION OF MR ZONING DISTRICTS
64	1003	PERMITTED PRINCIPAL USES
65	1004	SITE DEVELOPMENT STANDARDS
66	1005	PERMITTED ACCESSORY USES
67	1006	SPECIAL USE AUTHORIZATION

68 ARTICLE 11 NB, NEIGHBORHOOD BUSINESS ZONING DISTRICT

68	1101	PURPOSE
68	1102	PERMITTED PRINCIPAL USES
69	1103	SITE DEVELOPMENT STANDARDS
70	1104	PERMITTED ACCESSORY USES
70	1105	SPECIAL USE AUTHORIZATION

74 ARTICLE 12 GB, GENERAL BUSINESS ZONING DISTRICT

72	1201	PURPOSE
71	1202	PERMITTED PRINCIPAL USES
74	1203	SITE DEVELOPMENT STANDARDS
75	1204	PERMITTED ACCESSORY USES
76	1205	SPECIAL USE AUTHORIZATION

76 ARTICLE 13 LI, LIGHT INDUSTRY ZONING DISTRICT

77	1301	PURPOSE
77	1302	PERMITTED PRINCIPAL USES
78	1303	SITE DEVELOPMENT STANDARDS
80	1304	PERMITTED ACCESSORY USES
80	1305	SPECIAL USE AUTHORIZATION



84 ARTICLE 14 HI, HEAVY INDUSTRY ZONING DISTRICT ZONING DISTRICT

- 82 1401 PURPOSE
- 82 1402 PERMITTED PRINCIPAL USES
- 83 1403 SITE DEVELOPMENT STANDARDS
- 84 1404 PERMITTED ACCESSORY USES
- 85 1405 SPECIAL USE AUTHORIZATION

88 ARTICLE 15 PD, PLANNED DEVELOPMENT DISTRICT

- 86 1501 PURPOSE
- 86 1502 PERMITTED PRINCIPAL USES
- 88 1503 SITE DEVELOPMENT STANDARDS
- 94 1504 PROCEDURES FOR PLANNED DEVELOPMENT ZONING AMENDMENTS AND PLAN APPROVAL
- 94 1505 AMENDMENTS TO APPROVED MASTER DEVELOPMENT PLANS FOR THE PD ZONING DISTRICT
- 94 1506 PREVIOUSLY ZONED PD-1 AND PD-2 DISTRICTS

97 ARTICLE 16 LIGHT POLLUTION

- 95 1601 PURPOSE
- 95 1602 ADMINISTRATION
- 97 1603 DEFINITIONS
- 100 1604 PROCEDURES FOR LIGHTING COMPLIANCE
- 101 1605 GENERAL REQUIREMENTS
- 104 1606 PROHIBITIONS
- 104 1607 SIGNAGE
- 105 1608 PERMANENT EXEMPTIONS
- 106 1609 TEMPORARY EXEMPTIONS
- 106 1610 SPECIAL ACTIVITIES

111 ARTICLE 17 ADMINISTRATION

- 109 1701 COUNTY ZONING INSPECTOR
- 109 1702 PERMITS
- 109 1703 ADMINISTRATIVE RULES
- 109 1704 BUILDING/USE PERMIT REQUIRED
- 110 1705 APPLICATION FOR BUILDING/USE PERMIT
- 112 1706 BASIS FOR APPROVAL
- 112 1707 WITHHOLDING BUILDING/USE PERMITS
- 112 1708 DISPLAY OF BUILDING/USE PERMIT AND PLANS
- 112 1709 FINAL INSPECTION REQUIREMENTS AND TIME LIMITS
- 113 1710 REVISIONS TO BUILDING PERMITS
- 113 1711 VALIDITY OF BUILDING/USE PERMITS
- 113 1712 PERMITS – MANUFACTURED HOMES & REHABILITATED MOBILE HOMES
- 114 1713 MISREPRESENTATIONS
- 114 1714 BUILDING/USE PERMIT FEE
- 114 1715 LOT DEVELOPMENT ADMINISTRATIVE MODIFICATIONS
- 116 1716 SPECIAL USE AUTHORIZATIONS
- 122 1717 ACCESSORY LIVING QUARTERS (ALQS)



123	1718	CRITERIA FOR ISSUING PERMITS FOR RESIDENTIAL CARE HOMES OR RESIDENTIAL CARE INSTITUTIONS THAT PROVIDE CARE FOR JUVENILES
124	1719	HOME OCCUPATIONS
125	1720	TEMPORARY USES
128	1721	MINOR LAND DIVISIONS

### 133 ARTICLE 18 SITE DEVELOPMENT STANDARDS

132	1801	PURPOSE
132	1802	IDENTIFICATION OF SITE DEVELOPMENT STANDARDS
134	1803	STANDARDS APPLICABLE TO SETBACKS. SEE ARTICLE 2 FOR DEFINITIONS
135	1804	OFF-STREET PARKING AND LOADING
142	1805	SCREENING
143	1806	LANDSCAPING
145	1807	STREET IMPROVEMENTS, ACCESS STANDARDS, AND TRAFFIC CIRCULATION
150	1808	SEWAGE DISPOSAL AND WATER REQUIREMENTS
150	1809	FLOODPLAIN AND DRAINAGE REQUIREMENTS
150	1810	RESERVED FOR FUTURE USE
151	1811	OUTDOOR STORAGE
153	1812	SITE DEVELOPMENT STANDARDS FOR MOBILE HOMES, MANUFACTURED HOMES, AND RECREATIONAL VEHICLE PARKS
154	1813	SITE DEVELOPMENT STANDARDS FOR COMMUNICATIONS FACILITIES
155	1814	RESERVED FOR FUTURE USE
156	1815	KEEPING OF LIVESTOCK
156	1816	SWIMMING POOLS
157	1817	GOLF COURSES
157	1818	LAND CLEARING
157	1819	WATER CONSERVATION MEASURES
159	1820	HUMAN REMAINS PROTECTION
163	1821	WIND ENERGY SYSTEMS
164	1822	WIND ENERGY POWER PLANTS
165	1823	SOLAR ENERGY SYSTEMS
166	1824	SOLAR ENERGY POWER PLANTS
167	1825	MARIJUANA USES

### 167 ARTICLE 19 SIGNS

168	1901	PURPOSE
168	1902	ADMINISTRATIVE PROCEDURES AND REQUIREMENT
170	1903	GENERAL REGULATIONS
172	1904	SIGN STRUCTURE
172	1905	MEASUREMENT OF SIGNS
173	1906	SIGNS PERMITTED IN ALL ZONING DISTRICTS
173	1907	ADDITIONAL PERMITTED SIGNS BY ZONING DISTRICT
176	1908	DEFINITIONS AND GENERAL SPECIFICATIONS

183 ARTICLE 20 EXEMPTIONS, EXCEPTIONS, AND NONCONFORMANCES

- 184 2001 PURPOSE
- 184 2002 EXEMPTIONS
- 186 2003 NONCONFORMANCES

189 ARTICLE 21 BOARD OF ADJUSTMENT

- 189 2101 JURISDICTION AND POWERS
- 190 2102 APPLICATION FOR VARIANCE
- 190 2103 FEES
- 191 2104 HEARINGS
- 191 2105 DECISIONS
- 191 2106 CONDITIONS
- 191 2107 APPEAL OF A DECISION MADE BY THE BOARD OF ADJUSTMENT

191 ARTICLE 22 AMENDMENTS

- 192 2201 AUTHORITY
- 192 2202 AMENDMENTS INITIATED BY THE BOARD OF SUPERVISORS, PLANNING COMMISSION, OR  
PLANNING DIRECTOR
- 192 2203 CITIZEN REVIEW PROCESS
- 193 2204 AMENDMENTS INITIATED BY APPLICATION
- 195 2205 PLANNING COMMISSION ACTION ON APPLICATION
- 195 2206 PLANNING COMMISSION ACTION
- 197 2207 BOARD OF SUPERVISORS ACTION
- 198 2208 CRITERIA FOR THE ESTABLISHMENT OF A ZONING DISTRICT IN ACCORDANCE WITH THE  
COMPREHENSIVE PLAN
- 203 2209 MODIFICATIONS OF CONDITIONS OF APPROVED REZONINGS

203 ARTICLE 23 ENFORCEMENT

- 203 2301 VIOLATIONS DEEMED A NUISANCE
- 204 2302 ACTION TO ENFORCE REGULATIONS
- 205 2303 REMEDIES
- 205 2304 PENALTIES

203 ARTICLE 24 SEVERABILITY

- 206 2401 SEVERABILITY
- 206 2402 REPEAL OF CONFLICTING REGULATIONS
- 206 2403 EFFECTIVE DATE

206 ARTICLE 25 FORECLOSURE REGISTRY/ REAL PROPERTY REGISTRATION SYSTEM

- 207 2501 PURPOSE AND INTENT



# ARTICLE 1

## TITLE, PURPOSE, AND GUIDING PRINCIPLES

### 101 ADOPTION OF LAND USE PLAN AND ZONING ORDINANCE

Cochise County has adopted and established an official land use plan, which has been approved by separate proceedings, and shall hereafter be referred to as the Cochise County Comprehensive Plan, and a Zoning Ordinance, which shall hereafter be referred to as the Cochise County Zoning Regulations.

### 102 PURPOSE

The purpose of these Zoning Regulations is to conserve and promote public health, safety, convenience, and general welfare and to provide for the future growth and improvement of the unincorporated area of Cochise County in accordance with the Cochise County Comprehensive Plan.

### 103 DECLARATION

To accomplish the above purpose through coordinated, adjusted, and harmonious development of land in the entire unincorporated area of Cochise County, these Zoning Regulations establish Zoning Districts for the unincorporated area of Cochise County for the various classes of residential, commercial, and industrial uses, consistent with the plan designations and Goals and Policies of the Cochise County Comprehensive Plan. To protect the character and stability of each district, setback distances are customized for each use and site. Provisions are also made for providing adequate light, air, and parking facilities; promoting adequate traffic circulation; preventing overcrowding of land uses by provisions for lot area, coverage, open space, and setbacks; and reducing the probability of damage from a flood, fire, and other events.



# ARTICLE 2

## DEFINITIONS

### 201 INTENT

This article is intended to clarify the meaning of any term used within these Zoning Regulations for which the common definition may not serve the purpose of the Zoning Regulations or which is not a commonly used term outside of the context of these Zoning Regulations.

### 202 INTERPRETATIONS

Any dispute regarding the meaning of any word or term used in these Zoning Regulations shall be decided by the County Zoning Inspector. All such decisions shall be subject to appeal to the appropriate Board of Adjustment.

### 203 DEFINITIONS

**Access** - A means of vehicular ingress and egress connecting a site to the roadway system.

**Accessory Living Quarters (ALQ)** – An attached or detached residential dwelling structure that may provide complete independent living facilities for one or more persons, including provisions for living, sleeping, eating, cooking, and sanitation on the same parcel where the primary single-family dwelling is situated.

**Accessory Structures or Uses** - Structures or uses on the same site and of a nature customarily incidental and subordinate in size, impact, and purpose to the principal structures or uses. Accessory structures or uses shall observe all site development standards required of the principal structure or use, except as otherwise specified within these Zoning Regulations. Structures attached to the principal structure shall be considered a part of that principal structure. Accessory structures shall not be used for dwelling purposes

**Acre** - An area of land comprising forty-three thousand, five hundred sixty (43,560) square feet.

**Agriculture General** - A tract containing a minimum of five (5) contiguous commercial acres used for the production of farm, garden, or orchard crops or the grazing or raising of farm animals, including feeding pens that are incidental and subordinate to a grazing operation. Examples of commodities produced include vegetables, fruit trees, grapes, cotton, grain, poultry, horses, cattle, sheep, and swine. The term “general agriculture” includes the necessary treatment, packing, or storage of farm products produced on premises, the sale of any farm crops or livestock raised on-premises, and any signs, structures, or fences utilized for agricultural functions. By statute, “general agriculture” includes dairy operations, including areas designated for raising heifers and bulls owned by the same dairy operation that is on property contiguous to the dairy operation or within one-quarter of a mile. It does not include signs advertising off-



premises facilities, junkyards, other retail sales, manufacturing, any non-agricultural services, stockyards, slaughterhouses/meat packing plants, commercial pen feeding, production wineries, bone yards, plants for the reduction of animal matter, poultry feeding operations, or agricultural processing plants, or the growing of marijuana.

**Agricultural Processing Services** - A facility that packages, sorts, or grades livestock or livestock products, agricultural commodities, or plants or plant products into goods for intermediate or final consumption, including goods for nonfood use. Agricultural processing services do not include slaughterhouses/meat packing plants, commercial feedlots, bone yards, or facilities for reducing animal matter.

**Agricultural Processing Services, On-Site** - An agricultural processing service located in Growth Category D, where at least 70% of the crop input for a facility is grown on-site. No use or building permit is required.

**Airport** - An area of land or water used or intended to be used for the landing and take-off of aircraft, including its buildings and facilities.

**Airstrip** - A long, flat piece of land from which trees, rocks, etc., have been removed so that aircraft can take off and land.

**Alley** – A public or private thoroughfare, generally less than 20 feet in width, located in the rear or on the side of a set of parcels that provides a secondary means of vehicular access to abutting properties.

**Amateur Radio** - Also called “Ham Radio,” the radio facilities and use of designated radio frequencies operated for noncommercial purposes by individuals for self-training, intercommunication, and technical investigations carried out by amateurs, that is, duly authorized persons interested in radio technique solely with a personal aim and without pecuniary interest licensed by the Federal Communications Commission (FCC). This is not considered Communication Equipment.

**Anemometer** – A device mounted on a tower or pole to measure wind speeds for non-residential purposes. Devices may also include wireless equipment to transmit data generated by the anemometer.

**Animal Husbandry Services** - Facilities, including kennels, related to the care, raising, boarding, and breeding of animals.

**ARS (Arizona Revised Statutes)** - The statutory laws in the state of Arizona are sometimes referred to as the “Arizona Code” or “ARS.”



**Attached** - A building otherwise complete in itself, which depends, for structural support or complete enclosure, upon a roof or division wall(s) shared with adjacent building or buildings.

**Banks and/or Banking Services** - Business offices devoted to the keeping, receiving, lending, and exchange of money and including on-site teller facilities for providing those services to the public. It May or may not include the use of drive-up teller windows.

**Bars, Taverns, Nightclubs** - a commercial establishment where the on-site selling and consumption of alcohol to patrons is the primary use.

**Bed and Breakfast** - Any individually or collectively owned Single Family or one to four family dwelling house, dwelling unit, or portion thereof, or any units or group of units in a condominium, cooperative, or timeshare, offered for transient lodging. No permit is required for these uses.

**Board of Adjustment** - The Board of Adjustment of Cochise County was appointed by the Board of Supervisors pursuant to Arizona Revised Statutes.

**Board of Supervisors (or “Board”)** - The Board of Supervisors of Cochise County.

**Building** - A structure used for the shelter or accommodation of persons, animals, equipment, or goods having a roof that is supported by columns or walls.

**Building Permit** - A permit granted to a property owner by the County Zoning Inspector to use, establish, construct, alter, or enlarge any portion of a building or structure as permitted by the adopted building and zoning codes and as allowed pursuant to the approval of a Special Use Authorization.

**Bus and/or Rail Terminals and Accessory Maintenance Yards and Garages** – An off-road location where a bus route starts or ends, where vehicles stop, turn, or reverse, and wait before departing on their return journeys. Terminals are also where passengers board and alight from vehicles. Bus terminals may include a maintenance yard and/or garage to service and store buses or rail equipment associated with and as an accessory to the use. These facilities may also serve for the temporary impoundment of operational vehicles.

**Car Wash, Conveyor** - A commercial car wash where the car moves on a conveyor belt during the wash. The driver of the vehicle can remain in the vehicle or wait outside of the vehicle.

**Car Wash, Self-Serve** - A commercial car wash where the customers wash their cars themselves with spray wands and brushes.



**Cemetery** - Land set apart or used as a place for the interment of the dead or in which human bodies have been buried. It may include a structure for the purpose of the cremation of human remains and may include facilities for storing ashes of human remains that have been cremated or the interment of the dead in sealed crypts or compartments.

**Cemetery, Family** - Land set aside or used for the interment of family members. Notice of the location shall be filed with the County Recorder.

**Churches or Places of Religious Worship** - Buildings and locations where people regularly participate in or hold religious services, meetings, or other activities related to the exercise of their religious beliefs.

**Civic, Social, Fraternal, and/or Business Associations** - Establishments primarily engaged in promoting the civic and social interests of their members. This encompasses membership organizations included in the US Department of Labor Standard Industrial Classification (SIC) code 864.

**Commercial Feedlots** - feeding operation on a parcel of land where livestock are maintained in a corral, pen, or other areas on a sustained basis, where feed is brought onto the parcel, and where the concentration of animals is regulated by the ADEQ Concentrated Animal Feeding Operations per the Arizona Administrative Code. It is operated for the primary purpose of feeding and fattening animals for direct or eventual shipment to market or slaughter. Pastures used for the grazing of livestock and feeding pens for livestock are not considered commercial feedlots.

**Commercial Plant Nursery** – A facility that includes small nurseries and garden centers that grow plants on limited acreage for strictly retail sales to the homeowner and to landscape contractors; and wholesale nurseries, which include contract propagators, contract growers, growers, and distributors of nursery stock for wholesale to other nurserymen, landscape contractors, and retail outlets.

**Commission** - The Cochise County Planning and Zoning Commission.

**Communication Equipment** - A facility or shelter used for housing equipment for switching, processing, transmission and/or reception of Federal Communications Commission (FCC) licensed wireless communications services involving the use of an antenna array, connection cables, and equipment shelters.

**Communication Tower** – Any support structure, including lattice-type towers and monopoles, used to achieve the necessary elevation for communication equipment.

**Community Garden** – An area used to grow food and/or fiber products for use, consumption, or sale by the garden participants. Accessory uses may include greenhouses, sheds, and outdoor storage of farm equipment. Community gardens are considered residential uses for site development standards.



**Conforming Use** - A use of land permitted or approved as a Special Use Authorization in the Zoning District in which it is situated.

**Contract Construction Services** - Those services directly related to contract construction, including the indoor and/or outdoor storage of the necessary equipment and accessory fabrication. These include but are not limited to general contractor construction, plumbing, heating, air conditioning, painting, paper hanging and decorating, electrical, masonry, stonework, tile setting, plastering, carpentry, roofing, landscaping, and concrete.

**Convenience Store** - A retail establishment under 5,000 square feet in area, is open more than 15 hours a day and offers the retail sale of food, beverages, and other frequently or recurrently needed items for household use.

**Corrals** - A confined area for livestock where associated impacts are concentrated.

**Crematorium** – An enclosed area within a building approved for cremation service wherein human or animal remains are cremated in a cremation retort.

**Cultural, Historic, and/or Nature Exhibits** - Uses that include but are not limited to libraries, museums, art galleries, botanical gardens, arboretums, and historic sites.

**Custom Butchering/Meat Curing/Processing** – The cutting, curing, and processing of meat, to include on-site butchering, operating under the Arizona Department of Agriculture slaughter license for more than 45-head and not to exceed 150-head of cattle and more than 45-head and not to exceed 160-head of sheep, goats, or swine and also for not more than two-hundred-fifty turkeys, or not more than an equivalent number of birds of all species with four-birds of other species being deemed the equivalent of one-turkey in one-calendar year.

**Day Care Establishment** – Any facility in which care is regularly provided for compensation for more than ten individuals who do not reside on the site and who are not related to the proprietor.

**Day Care Facility** - Any facility in which care is regularly provided for compensation for five to ten individuals who do not reside on the site and who are not related to the proprietor.

**Default** - with respect to a mortgage, means that the obligor under the mortgage has breached or is in default of repayment or other obligation in connection with that mortgage and has been notified by the mortgagee.

**Dollar Store Retail** – A retail store with a wide variety of merchandise for sale for ten dollars or less, limited fresh produce, and buildings of less than 15,000 square feet. Examples include, but are not limited to, Family Dollar, Dollar General, Dollar Tree, 99 Cent Deals, Five Below, dime stores, or 5 & dime stores.



**Dwelling** – Any building intended primarily for residential occupancy by one or more households, containing sleeping, cooking, and sanitary facilities.

**Dwelling, Multiple-Household** - A single dwelling in a structure containing defined space for two or more households, with separate entrances, cooking, sanitary and sleeping facilities. Multiple household dwellings may include apartments, condominiums, townhouses, and multiplexes.

**Dwelling, Single-Household** - A structure surrounded by open space and setback from the property line, intended for occupancy by one household. This definition includes site or factory-built homes, rehabilitated mobile homes, and manufactured homes but does not include recreational vehicles. A mobile only if it meets the standards under these Zoning Regulations for lawful non-conforming use.

**Easement** - A grant of one or more property rights by the owner to, or for the use by, the public, a corporation, or another person or entity. No structure shall be permitted in public easements. However, a permit may be issued for a structure in a private easement with the condition: “No structure or use permitted by this permit shall limit the rights of the owner of any underlying easements which burden a particular site from utilizing their easement.”

**Educational Services** - A category of land uses including pre-school, primary, secondary, and higher education facilities, vocational and technical schools, and any other facility in which the principal use is the public assembly to receive classroom instruction or practical training.

**Electric Generation Plant** – A facility designed to produce electric energy from other forms of energy, such as fossil fuels, hydroelectric, solar thermal, nuclear power, geothermal, and wind turbines.

**Emergency Vehicle Station** - A facility housing vehicles intended for quick response to medical, fire, and law enforcement emergencies.

**Factory-Built Building** - A residential or nonresidential building, including a dwelling unit or habitable room that is either wholly or in substantial part manufactured at an off-site location to be assembled on-site and placed on a permanent foundation. Factory-Built Buildings are constructed to Building Code standards and are regulated by the Arizona Department of Housing. Factory-Built Buildings do not include manufactured homes, recreational vehicles, or mobile homes. A factory-built building used for residential purposes shall be considered a single-household dwelling unit.

**Farmers Market** – An indoor or outdoor area where daytime sales of locally grown or produced food, fiber, and/or products take place and where sufficient parking, sanitary facilities, and waste disposal facilities are provided.

**Feedlot, Commercial** - A feeding operation on a parcel of land where livestock is maintained in a corral, pen, or other areas on a sustained basis, where feed is brought onto the parcel, and where the concentration of animals is regulated by the ADEQ Concentrated Animal Feeding Operations per the



Arizona Administrative Code. It is operated for the primary purpose of feeding and fattening animals for direct or eventual shipment to market or slaughter. Pastures used for the grazing of livestock and feeding pens for livestock are not considered commercial feedlots.

**Fence** - An artificially constructed barrier, including walls, made with any standard construction material, including corrugated metal, erected to enclose areas of land. A retaining wall is not a fence.

**Firearms, Skeet, Archery, or Trap-Shooting Range** – An outdoor facility involving the use of firearms or bows in individual or group activities.

**Floor Area** - The sum of the gross horizontal areas of every story of all buildings on the lot or site.

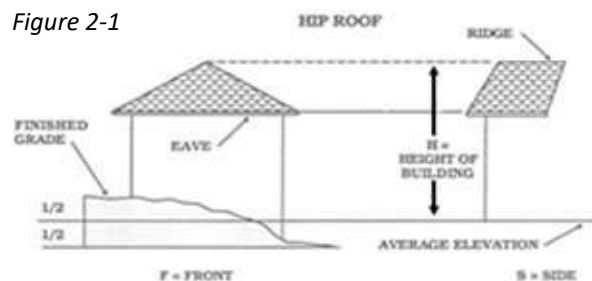
**Foreclosure** - means the process by which real property placed as security for the repayment of a loan is to be sold to satisfy the debt concerning which the borrower has defaulted and includes proceedings under deeds of trust.

**Funeral Home** - A building, or part thereof, used for human funeral services. Such building may contain space and facilities for (a) embalming and the performance of other services used in the preparation of the dead for burial, (b) the performance of autopsies and other surgical procedures, (c) the storage of caskets, funeral urns, and other related funeral supplies, and (d) the storage of funeral vehicles.

**Gasoline/Service Station** – A building, lot, structure, or facility having pumps and storage tanks where fuel, gasoline, oil, or other similar products are dispensed, sold, or offered for sale at retail only; vehicle repair service is minor and incidental. This use may include accessory uses such as car washes and food marts.

**Golf Course** - An open-air golfing facility having not less than 30 acres and nine holes. It may include an accessory pro shop, a clubhouse, restaurants, and lounges.

Figure 2-1



**Grade** – The average elevation of the finished grade at the center of all walls of a building (See figure 2-1)

**Grade, Finished** - The elevation of the surface of the ground after completion of final grading, either via cutting, filling, or a combination thereof, which conforms to the approved final grading plan.

**Grocery Store** - A retail or wholesale store that primarily sells food, including canned and frozen foods, fresh fruits and vegetables, and fresh (raw) and prepared meats, fish, and poultry. Grocery stores may contain incidental accessory uses such as bakeries, delicatessens, pharmacies, movie rentals, postal services, and/or banking services.





Large stores are defined as 20,000 square feet in size or greater. Also includes a grocery store use located within a larger format retail store where an area 20,000 square feet in size or greater is primarily devoted to the sale of food.

Small stores are defined as less than 20,000 square feet in size. Also includes a grocery store use located within a larger format retail store where an area less than 20,000 square feet in size is primarily devoted to the sale of food.

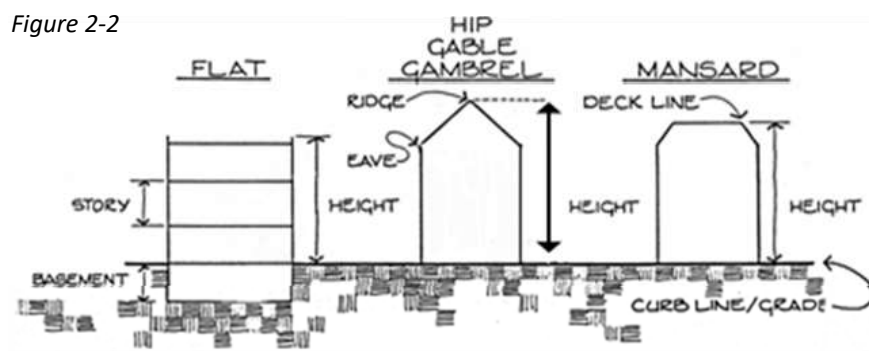
**Group Quarters**— A residential facility designed to accommodate individuals who are not a part of the same household. Typical uses include fraternities, hostels, sororities, residence halls, dormitories, rooming and boarding houses, membership lodgings, and religious quarters. This does not include halfway houses, offender re-entry residential facilities, or homeless shelters, which are included in the definitions of Offender Rehabilitation Facility, or Welfare and Charitable Services, nor does this include Residential Care Homes or Residential Care Institutions.

**Growth Area** - A “growth area” is an area identified on the Cochise County Comprehensive Plan maps and described in Article 4. Growth areas are based on the capacity of an area for growth.

**Guest Lodging** – A building or group of buildings furnishing rooms or an area for accommodation for overnight or short-term lodging such as a hotel or motel, resorts, guest ranches, group camps, and campgrounds and may include recreational facilities, restaurants, meeting rooms, or similar facilities. This definition does not include Recreational Vehicle Parks or Bed and Breakfast land uses.

**Height, Building** - The vertical distance from the grade of the finished surface adjacent to the finished wall of a structure to the highest point of the roof for flat, gable, hip, and gambrel roofs and to the deck line of mansard roofs (see Figure 2-2).

Figure 2-2



**Height, Structure** - The vertical distance from the grade of the finished surface adjacent to the structure to the highest point of the structure or any attachment.

**Helipad** – A landing area and takeoff place for a helicopter.

**Heliport** – An airport designed for helicopter use.

**Home Occupation** - An activity carried on by the occupant of a dwelling as a secondary use, including personal and professional services, subject to the standards provided in Section 1719.



**Household** - Any number of individuals living together as a single housekeeping unit and doing their cooking on the premises, as distinguished from Group Quarters or Residential Care institutions.

**Impoundment Storage Yard** - A site used for the temporary storage of impounded vehicles. No crushing or dismantling of vehicles or storage of vehicle parts shall occur.

**Infrastructure** - The system of facilities and services providing the supporting structure of a community, including, but not limited to, streets, utilities, sewer systems, fire, law enforcement, medical, educational, and recreational facilities.

**Jails, Prisons, and Detention Centers** - Any detention facility for legal offenders or for those awaiting trial.

**Junk** - Old or scrap metal, wood, copper, brass, rope, rags, batteries, paper, trash, rubber debris, tires, waste or junked, dismantled, or wrecked vehicles or parts thereof, iron, steel, and other old or scrap ferrous or nonferrous material.

**Junkyards** - The non-residential use of any site upon which the storage, keeping, salvage, sale, or abandonment of junk occurs. Includes salvage yards and automobile wrecking yards.

**Kitchen** - Any room in a building that is used, intended or designed to be used for cooking or preparation of food.

**Landscaping** – Site improvements intended to modify the aesthetic appearance of a property by changing its contours and/or adding ornamental features and plantings. Materials used may include grass, ground covers, shrubs, vines, or trees and accessory non-living durable material, such as but not limited to, rocks, pebbles, sand, brick, concrete paving bricks, walls, and fences, but excluding asphalt. Landscaping may also include the retention of native vegetation in prescribed areas.

**Legal Non-Conforming Uses** - A use of land or structure which was legally established according to the applicable zoning and building laws of the time but which does not meet current zoning and building regulations. See Article 20.

**Livestock** - Cattle, horses, sheep, llamas, alpacas, goats, mules, swine, asses, and ratites, such as ostriches and emus.

**Livestock Auction Barn** - An establishment operated for compensation as an auction market for livestock, consisting of pens or other enclosures and their appurtenances, in which livestock are received, held, sold, or kept for sale or shipment.

**Lot Development Administrative Modification** – A site development standard modification approved according to the procedures and criteria set forth in Article 17 herein.



**Manufacture or Manufacturing** - For the purposes of these Zoning Regulations, “manufacture” refers to a broad category of uses involving the use of mechanical power and machinery to produce products from raw materials, to prepare or alter materials for use in a finished product, or to assemble parts into products, including processing.

**Manufactured Home** - A structure built in accordance with the National Manufactured Home Construction and Safety Standards Act of 1974 and Title VI of the Housing and Community Development Act of 1974 and as amended. Does not include mobile homes, factory-built buildings, or recreational vehicles.

**Master Development Plan** – A duly adopted component of the Cochise County Comprehensive Plan that provides a detailed plan for the coordinated development of a specific area in compliance with the requirements of Article 4 of these regulations.

**Marijuana Cultivation Facility** – A facility licensed for operation by the Arizona Department of Health Services, located in a building, structure, or premises used to cultivate and store marijuana physically separate and off-site from a marijuana establishment.

**Marijuana Establishment** - A facility licensed for operation by the Arizona Department of Health Services that sells or distributes marijuana to consumers.

**Marijuana Establishment Cultivation Facility** - A building, structure, or premises licensed for operation by the Arizona Department of Health Services where marijuana is grown or cultivated as well as sold or distributed to consumers.

**Marijuana Infusion Facility** - A facility licensed for operation by the Arizona Department of Health Services that incorporates marijuana into consumable/edible goods through cooking, blending, or any other type of incorporation.

**Marijuana Testing Facility** – A facility licensed for operation by the Arizona Department of Health Services to analyze the potency of marijuana and test marijuana for harmful contaminants.

**Medical Service, Health Clinic** - A facility other than a hospital, where medical, dental, mental health, surgical, and/or other personal health care services are provided on an outpatient basis by primary practitioners and/or medical specialists by appointment (for example, chiropractors, dentists, medical doctors, optometrists, prescription opticians, psychiatrists, etc.). It may include a lab, radiology, pharmacy, rehabilitation, and other similar services as accessory uses. Counseling services by other than medical doctors or psychiatrists are included under “Personal and professional uses.”

**Medical Service, Hospital** - An institution providing in-patient, out-patient, and emergency medical care. It may include on-site accessory clinics and laboratories, accessory retail uses, and emergency heliports.



**Medical Service, Lab Research, and/or Testing** - A facility intended for the examination of clinical specimens for the purpose of providing information such as diagnosis, prognosis, prevention, or treatment of disease to improve the health of a patient.

Examples of these uses include:

- Dental laboratories (crown and denture manufacturing, etc.)
- medical laboratories (blood and tissue testing, x-ray, CT scanning, etc., but not research
- reference laboratories

**Medical Service, Urgent Care** - A facility other than a hospital, where medical, mental health, surgical, and other personal health services are provided exclusively on an outpatient basis by a group of physicians working in cooperation and sharing the same facilities. Typically operates beyond standard medical office hours and may provide emergency treatment. It may include educational aspects such as medical instruction and/or training as well as house a lab, radiology, pharmacy, rehabilitation, and other similar services as accessory uses. Does not include hospitals. Counseling services by other than medical doctors or psychiatrists are included under "Personal and professional uses."

**Medical Service, Veterinary Clinic, and/or Animal Hospital** - Office and indoor medical treatment facilities used by veterinarians, including large and small animal veterinary clinics and animal hospitals. It may include a lab, radiology, pharmacy, rehabilitation, temporary boarding of sick animals, and other similar services as accessory uses. See also "Animal Husbandry."

**Mini-Warehouses/Self-Storage Facilities** - Buildings that are rented to the public for the storage of personal property and which have independent access and locks under the control of the tenant. May include outdoor storage areas.

**Mining** - Those activities conducted to develop or extract materials from the earth, including on-site transportation, concentrating, milling, leaching, smelting, or other processing of ores or other materials. A mine includes all lands containing excavations, underground passageways, shafts, tunnels and workings, structures, facilities, equipment, machines, or other property, including impoundments, retention dams, tailings, and waste dumps, on the surface or underground, used in, to be used in or resulting from the work of extracting minerals or other materials, excluding hydrocarbons. Mining includes that portion of an operation that mixes rock, sand, gravel, or similar materials with water and cement or with asphalt, provided that the operation is either physically connected to the mine or is so interdependent with the mine as to form one integral enterprise.

**Mobile Home** - 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. Does not include recreational vehicles, factory-built buildings, or manufactured homes.



**Mobile Home, Rehabilitated** - A mobile home that has been rehabilitated and certified as such by the Arizona Department of Housing or that exhibits the approved Rehabilitation Insignia before 2013 or Rehabilitation Certificate as of January 1, 2013, from the Arizona Department of Housing.

**Mobile or Manufactured Home Park** - A site or parcel of land under single or unified ownership upon which three or more mobile homes, manufactured homes, factory-built buildings, or a combination thereof, are set up as residences, regardless of whether the units are permanently occupied or offered as rental units. In Comprehensive Plan Category D Growth Areas designated Rural, six or more mobile homes, manufactured homes, factory-built buildings, or a combination thereof shall be considered a mobile or manufactured home park.

**Mobile or Manufactured Home Space** - A plot of ground within a mobile or manufactured home park designed for the accommodation of one mobile or manufactured home together with its accessory structures.

**Mortgage** - means a first mortgage or other first-priority security interest in real property that is placed as security for the repayment of a loan and includes a first deed of trust.

**Mortgagee** - means any person or firm who holds a first-priority mortgage or other first-priority security interest in real property to secure a loan, whether as the mortgagee of a mortgage or the beneficiary of a deed of trust.

**Motion Picture Production Site/Studio** - Permanent facilities for the filming, processing, editing, or production of motion pictures involving the use, construction, or structural alteration of buildings or structures.

**Mural** - A one-of-a-kind, hand-painted, hand-tiled, or digitally printed image on the exterior wall of a building that does not contain any commercial message, which is any message that advertises a business conducted, services rendered, or goods produced or sold.

**Non-Residential Use Permit** – Commercial Building/Use Permit.

**Notice of Default Event** - with respect to a mortgage, it means that a default regarding that mortgage has occurred and either:

- A. A notice of breach or notice of default and election to sell has been provided to the obligor and has been recorded in the Cochise County Recorder's Office; or
- B. An action for judicial foreclosure has been commenced regarding that mortgage by the filing of a complaint or petition for foreclosure in a court of competent jurisdiction.



**Offender Rehabilitation Facility** - An operation licensed in the State of Arizona for individuals who are legal offenders on release from more restrictive custodial confinement or initially placed in lieu of such more restrictive custodial confinement, such as in a mobile program agency as defined by the State of Arizona, wherein supervision, rehabilitation, or counseling is provided.

**Open Space** - Open space refers to any area of a site that is not occupied by buildings, structures, parking areas, streets, drives, or any outdoor use other than an outdoor recreation facility.

**Out-building** – A barn, shed, garage, lean-to, or other similar building used to store items that will be used on the property or to house animals (except RVs, which are only permitted as an Accessory Use) that is accessory to the principal use except as allowed without a principal use in Articles 6 and 7.

**Parking Area, Minimum** - The minimum on-site area required for off-street parking and loading. This includes all spaces, drives, aisles, and maneuvering areas required to serve those spaces.

**Parking Lot, Commercial** - A structure or lot used for parking or storage of operational vehicles as a principal use of a site, which may or may not be used on a fee-paying basis. Does not include impoundment storage yards.

**Personal and Professional Services** - Facilities that provide the following or similar personal services: pet grooming, laundering, dry cleaning, rug cleaning, beauty and barber services, and photographic and recording services. Offices that provide the following or similar professional services: legal, real estate, engineering, architectural, design, counseling, and financial services.

**Plan Designation** - Within the four Growth Areas established by the Cochise County Comprehensive Plan, there are Plan Designations that classify land by either its present use or present or evolving character. These are further described in Article 4.

**Planned Development** – A planned development is land under unified control, planned and developed as part of an approved Master Development Plan. See Article 15.

**Planning Director** - The Director of the Cochise County Planning Department, also known as the County Zoning Inspector or designee.

**Principal Use** - The primary use and chief purpose of a lot or structure as distinguished from an accessory use or structure. A site may contain multiple “principal uses,” each of which must meet the requirements of these Zoning Regulations unless otherwise limited by individual Zoning Districts.

**Printing and/or Publishing Businesses** -A printing business is an establishment that provides printing, copying, photographic, computer, or technological services. A publishing business facilitates the distribution of printed works, such as books (the “book trade”), newspapers, and magazines, as well as electronic resources, such as the electronic versions of books and periodicals.

**Recreational Facilities, Indoor and/or Outdoor** - An area designed and equipped for active recreation, sports, or leisure time activities and other customary and similar activities for public or private use, including, but not limited to parks, baseball or softball diamonds, soccer and football fields, tennis courts, and roping and equestrian arenas. This does not include fairgrounds, amusement parks, zoos, outdoor firearms, skeet, archery or trap-shooting ranges, unlighted facilities which are accessory to a permitted principal use, or lighted roping arenas for private use which are allowed as accessory uses to a residential permitted principal use.

**Recreational Vehicle** - A vehicular type unit which is:

- A. A portable camping trailer mounted on wheels and constructed with collapsible partial sidewalls which fold for towing by another vehicle and unfold for camping.
- B. A motor home is designed to provide temporary living quarters for recreational, camping, or travel use and built on or permanently attached to a self-propelled motor vehicle chassis or on a chassis cab or van that is an integral part of the completed vehicle.
- C. A park trailer built on a single chassis, mounted on wheels, and designed to be connected to utilities necessary for the operation of installed fixtures and appliances and has a gross trailer area of not less than 320-square feet and not more than 400-square feet when it is set up, except that it does not include fifth wheel trailers.
- D. A travel trailer mounted on wheels designed to provide temporary living quarters for recreational, camping, or travel use and has a trailer area of less than 320-square feet, including fifth-wheel trailers.
- E. A portable truck camper constructed to provide temporary living quarters for recreational, travel, or camping use and consists of a roof, floor, and sides designed to be loaded onto and unloaded from the bed of a pickup truck.
- F. Park models: Recreation Vehicle / Park Model (Destination) - A recreation vehicle that is designed for and is used for permanent residential use in a travel trailer/recreation vehicle park.

**Recreational Vehicle Park** - Any lot of land upon which three or more recreational vehicle sites are located, established or maintained for occupancy by recreational vehicles of the public as temporary living quarters for recreation or vacation purposes. The park may also include tents and portable shelters.

**Recycling Center** - A permanent enclosed facility for the collection, temporary storage, and processing of recyclable materials for efficient shipment; this does not include a junkyard. The sale of parts is not permitted. Processing for efficient shipment includes but is not limited to baling, compacting, crushing, and flattening.



**Recycling Drop-Off Receptacle** - Accessory to a non-residential site; enclosed receptacles into which recyclable materials or clothing may be dropped off. These materials are to be picked up and removed from the premises to maintain a clean and orderly site. Vectors and pests are to be controlled, and fugitive trash or debris is to be contained and collected on-site. Not to be used as a drop-off of hazardous materials. Recycling/Solid Waste Transfer Facility - A heavy commercial or industrial-scale facility in which materials are sorted, crushed, bundled, stored, and/or distributed.

**Regional Sewage Treatment Plants** - A sanitary sewerage treatment facility, such as a municipal sewage treatment plant, that is located on one property and provides sanitary sewerage treatment services to off-site properties. This does not include “package” plants operated by Owner Associations or Special Improvement Districts serving lots within an individual subdivision or master development plan area, which shall be deemed local or “on-site” sewage treatment plants.

**Repair Services, Large Engines** - Services designed to repair large vehicles such as trucks with more than two axles, recreational vehicles, tractors, combines, and/or other large engines and may include incidental retail sales of parts.

**Repair Services, Light** - Services designed to repair items, such as watches, jewelry, furniture, electrical equipment, appliances, and clocks, and may include incidental retail sales.

**Repair Services, Small Engines** - Services designed to repair vehicles with no more than two axles, recreational vehicles, and/or other small engines and may include incidental retail sales.

**Residential Care Home** - A single-household dwelling licensed by the State which is used to provide housing and supervisory personal or custodial care services to not more than six (6) persons residing on the site. The home is a single-household dwelling for the purposes of all County Zoning Ordinances and shall not be subject to non-residential site development standards but shall require a Non-Residential permit. A Residential Care Home may include facilities for individuals who require special care for physical, mental, or emotional reasons, including, as defined by the State of Arizona, adult care homes, adult foster homes, homes for the elderly or the disabled, and/or adult and juvenile group homes. A Residential Care Home may include a home for juveniles if it meets the criteria of Article 17. This definition does not include an Offender Rehabilitation Facility.

The limitation of six (6) or fewer persons does not include the operator of a Residential Care Home, members of the operator’s family, or persons employed as staff, except that the total number of all persons living at the Residential Care Home shall not exceed sixteen (16). Only one Residential Care Home is allowed per parcel or site.

**Residential Care Institution** - An operation licensed by the State, which is used to provide housing and supervisory personal or custodial care services to more than six (6) persons residing on the site. A Residential Care Institution may include facilities for individuals who require special care for physical, mental, or emotional reasons, including, as defined by the State of Arizona, adult care homes, adult foster homes, homes





for the elderly or the disabled, and/or adult and juvenile group homes. A Residential Care Institution may include a home for juveniles that meet the criteria of Article 17. This definition does not include an Offender Rehabilitation Facility.

**Responsible Party** - means an owner, lessee, mortgagee, property manager, cotenant, or occupant of all specified properties, including buildings, grounds, lots, or premises.

**Restaurant** – An establishment that provides, as a principal use, the preparation and sale of food and/or beverages in a ready-to-consume state for consumption on or off the premises.

**Retail Sales/Rentals** - All sales and/or rentals, indoors and/or outdoors, of products for their final consumers. May include light manufacturing or assembling incidental to retail sales from the premises provided that not more than forty percent of the floor area occupied by such business is used for manufacturing, baking, processing, assembling, treatment, installation, and repair of products. May include outdoor accessory storage of materials, merchandise, supplies, and/or equipment with required screening if applicable.

**Retaining Wall** – A man-made structure for the purpose of retaining soils or other materials for the purpose of stabilization of the soil or other materials. Minimum setbacks are not required for retaining walls.

**Riding Stables, Commercial** - Facilities for the boarding, exercise, and/or rental of horses on a commercial basis.

**Right-of-Way (ROW) or Utility Easement**– An easement or servitude over another’s land conferring a right of passage, particular use, or predetermined type of construction, including but not limited to electrical transmission line, water or sewerage conveyance systems, drainage structures, or natural gas pipelines.

**Roomers** - Persons not a part of a principal household who reside in a dwelling on a paid or charitable basis.

**Screening** – Includes solid walls and fences, or any combination thereof that cannot be seen through and are a minimum of 6-feet in height from grade. The screen shall be constructed out of standard materials or other acceptable materials approved by the County Zoning Inspector. An existing vegetative screen on the subject site may be approved by the County Zoning Inspector if it meets the intent of creating a solid screen.

**Setback** - The horizontal distance between the property line or road travel way and the foundation, wall, or main frame of any building or structure, and between the property line and the outer perimeter of any outdoor area significantly involved in the use or activity of the site, including non-residential sales, rental, display, or storage areas. No structure/use permitted herein shall limit the rights of the owner of any underlying easements which burden a particular site from utilizing their easement.

**Shopping Center** - A unified development on a single site that contains a variety of business, service, and retail uses and which has common ingress and egress, parking, and drives.

**Sign** – Defined in Article 19.



**Site** - All actual land used, developed, intended to be developed or occupied for a use or group of uses, including its buildings, structures, storage and service areas, streets, driveways, and any required setbacks around the perimeter of such land. In most cases, a site will be a single lot or parcel of record; however, a site may also be a portion of a lot or parcel, or even an aggregation of contiguous lots or parcels, whether under single or multiple ownership.

**Site, Abutting** - A site touching the boundary of the site proposed for a use.

**Site Area, Minimum** - The minimum area of a site upon which a specific use(s) may be permitted. See Section 1802.1 for standards.

**Site Coverage** - The total percentage of the site covered with structures, buildings, paving, and impervious surfaces other than landscaping, gravel, walls, and fences.

**Slaughterhouse/Meat Packing Plant** – A facility for the slaughtering, refining, processing, storage, and distribution of animals and animal byproducts.

**Solar Energy System** - A device or devices, structural design feature, series of mechanisms, or combinations thereof, designed for the primary purpose of producing electrical or mechanical power for use primarily on premises; some conveyance of electricity to the grid is allowed.

**Solar Energy Power Plant** - A Non-Residential, utility-scale Solar Energy System, the purpose of which is to supply solar-generated electricity to off-site consumers. Accessory structures may include buildings, substations, and associated electrical infrastructure. The term does not include stand-alone Solar Energy Systems for on-site use.

**Solid Waste Incinerator** - Any furnace used in the process of burning solid waste for the purpose of reducing the volume of the waste by removing combustible matter.

**Solid Waste Landfill** - A site approved by the State for the collection and/or disposal of non-hazardous solid wastes.

**Special Use Authorization** - A land use that has been approved by the Planning Commission as a Special Use according to the procedures and criteria set forth in Article 17 herein.

**Specified Property** - means any parcel of real property with a structure that is vacant within the County that is subject to a mortgage and concerning which a notice of default event has occurred. For purposes of the inspection requirement set forth in Section 2501.01 of this Article and for that purpose only, the term also includes a parcel of real property that appears to be vacant. Once a parcel is determined not to be vacant or is no longer vacant, it is not considered “specified property” until it qualifies again under this definition.



**Stockyards** - A large yard containing pens and sheds, typically adjacent to a slaughterhouse, in which livestock is kept and sorted.

**Storage Area, Outdoor** - Any storage of objects or materials which is located outside the confines of a building. Outdoor storage does not include merchandise within an outdoor display area. Non-residential outdoor storage does not include vehicles awaiting repair.

**Street** - A public or private thoroughfare used or intended to be used for passage or travel by motor vehicles.

**Street, Arterial** - A street with the principal function of maintaining through traffic flow, separate from local traffic, to and from areas of principal traffic generation and designed for high volumes and high speeds of traffic. Efficient movement is the primary function of the arterial streets; hence, there is limited access to and from local streets and individual parcels. Arterial streets shall include all State and Federal routes and those that are classified as such on an adopted traffic circulation plan or master plan.

**Street, Collector**- A Street that conducts and distributes traffic from arterial streets to lower volume local streets. Collector streets shall include section-line and mid-section-line streets unless they are functioning or intended to function as arterials or local streets, and any street so designated on an adopted traffic circulation plan or master plan.

**Street, Local**- A Street that functions to serve direct access to individual parcels or a street so designated on an adopted traffic circulation plan or master plan.

**Structure** - Anything constructed or erected with a fixed location on the ground or attached to something having a fixed location on the ground, including, but not limited to, buildings, towers, swimming pools, carports, signs, and billboards.

**Structure, Temporary** - Anything constructed, placed, or erected that is readily movable and is used or intended to be used for a limited period of time. Such temporary structure shall be subject to all applicable requirements of these Zoning Regulations for the Zoning District in which it is located.

**Substandard Lot** - A lot that does not meet the minimum site area requirements for the Zoning District in which the lot is located. Permits may not be issued for a substandard lot that is not legal nonconforming unless the non-conformance is resolved through a Rezoning or Administrative Lot Modification.

**Swap Meets** -A non-residential use outdoors or within a building in which stalls or sales areas are set aside, rented, or otherwise provided, and which are intended for use by various unrelated individuals to sell articles on a recurring basis.

**Transient Camps/Migrant Labor Camps** - Facilities for the temporary or long-term lodging of transients or migrants, whether in permanent quarters or temporary structures and permanent or temporary facilities for lodging migrant laborers.



**Travel way** – The physical portion of a public or private road or easement used by vehicles for access, not including private driveways. In the case of a road that includes defined shoulders, the paved shoulder is included in the travel way.

**Truck Stops** - Buildings or premises in which or upon which a business, service, or industry involving the maintenance, servicing, storage, or repair of commercial vehicles is conducted or rendered, including the dispensing of motor fuel or petroleum products directly into motor vehicles, the sale of accessories or equipment for trucks and similar commercial vehicles. A truck stop may also include overnight accommodation, convenience stores, and restaurant facilities.

**Utility Installations** – Structures necessary for the distribution of franchised public or private utilities such as water, gas, wastewater, electricity, telephone, telegraph, television, and radio service. Substantial installations, including substations, booster stations, water tanks, and communication towers, are subject to these regulations. Smaller utility installations, such as meter boxes, pipes, poles, wires, and hydrants, are exempt from these regulations.

**Use** - The purpose for which land or a building is occupied, maintained, arranged, or intended.

**Use, Non-Residential** - The use of land for a purpose other than single-household dwelling units.

**Vacant** - with respect to real property and “vacant real property” mean real property and improvements that are not presently occupied by persons lawfully entitled thereto. The term does not include real property that is unoccupied by reason of the temporary absence of lawful occupants who intend to return and resume occupancy.

**Variance** - A deferral, modification, or waiver of the terms of these Zoning Regulations granted by the appropriate Board of Adjustment pursuant to Article 21 of these Zoning Regulations.

**Wall** - See definition of Fence.

**Warehousing, Distribution, and Storage of Goods** – A use requiring significant commercial vehicle access and large-scale storage of goods and vehicles, both indoor and outdoor, typically between production and their placement on the market.

**Welfare and/or Charitable Services** - Services operated by public agencies or private associations for the benefit of the disadvantaged or for mental, behavioral, medical, or protective assistance for the public benefit. This may include a non-supervisory, non-custodial, or residential component.

**Wind Energy Power Plant** - A Non-Residential, utility-scale Wind Energy System, the primary purpose of which is to supply electricity to off-site consumers, consisting of a network of Wind Turbines and accessory structures and buildings, including substations, anemometers, and associated electrical infrastructure. The



term does not include stand-alone Wind Energy Systems for on-site use, which feed residual power into the electrical grid, as defined by the Arizona Corporation Commission

**Wind Energy System** - A system that uses one or more wind turbines, batteries, power inverters, and other associated components to convert the kinetic energy of the wind into electricity for use by consumers. Wind Energy Systems consisting of one or more Wind Turbines may provide power to one or more principal uses, well pumps, or accessory structures on the same parcel on which they are sited. Wind Energy Systems subject to maximum densities Article 18.

**Wind Turbine** – The portion of a Wind Energy System that converts the kinetic energy of the wind into electricity. Wind Turbines may be freestanding or mounted onto a structure. Wind Turbines are the main components of a Wind Energy System, which may include more than one turbine.

**Winery, Farm** – An on-site agricultural processing service in which grapes grown on-site are processed into wine, not to exceed 40,000 gallons per year.

**Winery, Large Production** - An agricultural processing service in which grapes grown on-site or off-site are processed into wine in quantities greater than 40,000 gallons per year.

**Winery, Small Production** – An agricultural processing service in which grapes are grown off-site are processed into wine, not to exceed 40,000 gallons per year

**Winery Tasting Room** – A building or portion thereof, subordinate in size, accessory to, and located on the same site as a Farm Vineyard, Farm Winery, Small Production Winery, or Large Production Winery operation, in which wine may be sampled and/or purchased. If the principal winery use, including vineyards, is exempt, then the tasting room shall be exempt as well. A Winery Tasting Room may also include incidental retail sales of wine and related products.

**Wholesaling** - The sale of goods or merchandise to retailers; to industrial, commercial, institutional, or other professional business users; or to other wholesale businesses and related subordinated services. In general, it is the sale of goods to anyone other than a standard consumer.

**Yard Sale** - A sale of items conducted on a residential site and incidental to the principal dwelling. Yard sales shall be held on an infrequent or occasional basis only and shall not constitute a business.

**Youth-Oriented Facility** – Any facility that caters to or provides services primarily intended for minors or where individuals who regularly patronize, congregate, or assemble at the establishment are predominantly minors.

**Zoos and/or other Outdoor Animal Exhibits** - A facility in which all animals are housed within enclosures, displayed to the public, and in which they may also breed.



**Zoning District-** One of the zoning classifications established in Article 5 of these Zoning Regulations, or any contiguous area of land having the same zoning classification.

**Zoning District, Commercial** - Any NB (Neighborhood Business) or GB (General Business) Zoning District.  
Zoning District, Industrial - Any LI (Light Industrial) or HI (Heavy Industrial) Zoning District.

**Zoning District, Residential** - Any SR (Single-Household), SM (Single-Household/Manufactured Home), MR (Multiple-Household), or R (Residential) Zoning District or RU (Rural) Zoning District designated by the Comprehensive Plan with a Rural Residential designation.

**Zoning Inspector, County** - The Cochise County Planning Director or duly authorized representative.



# ARTICLE 3

## GENERAL PROVISIONS

### 301 GENERAL RULES

#### 301.01 Language of Regulations

The word “shall” is mandatory, and the word “may” is permissive.

The word “person” includes a firm, association, organization, partnership, trust, company, corporation, or other similar legal entity, as well as an individual.

When not inconsistent with the context, the present tense includes the future tense, the singular number includes the plural number, and the plural number includes the singular number.

#### 301.02 Fractional Numbers

Except for determining “acreage” area, whenever a fraction of a number or unit is one-half or more, and a fraction of a number or unit resulting in computation is one-half or more, said fraction shall be considered the next higher whole number or units. Where the fraction is less than one-half, said fraction shall not be considered in determining the number.

#### 301.03 Land Use Classification

Pertaining to the classification of uses, the standard system for identifying and coding land use activities found in “Standard Land Use Coding Manual,” U.S. Department of Transportation, Washington, D.C., as amended, shall be used as a reference for determining the use of land unless uses are otherwise classified in these Zoning Regulations.

#### 301.04 Definitions

Unless a term is specifically defined in Article 2 or elsewhere in these Zoning Regulations, the common definition as contained in Merriam-Webster’s Online Dictionary (<http://www.merriam-webster.com/dictionary>) or similar standard dictionaries will be used

### 302 CONFORMANCE MANDATORY

No structure shall be used, constructed, altered, or moved, nor shall any land be used or improved unless exempted by these Zoning Regulations.

### 303 RESOLUTION DISPUTES

In any dispute concerning these Zoning Regulations, that resolution shall be favored, which is more reasonable regarding the purposes of these Zoning Regulations and established and accepted principles of Arizona and United States Planning and Zoning law.



#### **304 SPECIAL PRIVILEGES FORBIDDEN**

No special privileges shall be granted to any person under the terms of these Zoning Regulations.

#### **305 MINIMUM REQUIREMENTS**

The provisions of these Zoning Regulations shall be the mandatory minimum requirements unless otherwise stated. Whenever these Zoning Regulations impose a greater restriction than is required by other provisions of law, the provisions of these Zoning Regulations shall prevail.

#### **306 PRIVATE AGREEMENTS**

The provisions of these Zoning Regulations shall apply independently of any easement, covenant, deed restriction, or other agreement between private persons except as addressed in Article 20 or as noted in these Zoning Regulations.

#### **307 NON-PERMITTED USES**

Any use not permitted in a district, either as a permitted use or as a Special Use Authorization, shall be permitted if it reasonably fits under the generic category of uses and is not otherwise excepted therefrom.





# ARTICLE 4

## PLAN AREA DESIGNATIONS AND MASTER DEVELOPMENT PLANS

### 401 PLAN AREA CATEGORIES AND DESIGNATIONS

The following Area categories and Plan Designations are hereby established, the boundaries of which are set forth on the Land Use Plan Maps of the Comprehensive Plan, incorporated herein by reference:

#### 401.01 There are six (6) categories of areas

- A. Category A – Urban Growth Areas
- B. Category B – Community Growth Areas
- C. Category C – Rural Community Areas
- D. Category D – Rural Areas
- E. Master Development Plan (MDP) Areas
- F. Community/Neighborhood Area Plan Areas

#### 401.02 Plan Designations

As contained in the Cochise County Comprehensive Plan, there are seven (7) Plan Designations, each of which may occur in the categories indicated.

- A. Neighborhood Conservation (NC) (Categories A, B & C)
- B. Enterprise (ENT) (Categories A, B & C)
- C. Developing (DEV) (Categories A, B & C)
- D. Neighborhood Rehabilitation (NR) (Categories A, B & C)
- E. Enterprise Redevelopment (ER) (Categories A, B, & C)
- F. Rural Residential (RR) (Category D)
- G. Rural (R) (Category D)

#### 401.03 Other Plan Areas

Other Plan Areas, including Master Development Plans, community/neighborhood area plans, and specific area plans, may be established. These may either replace existing plan designations identified in this Section in total or may include specific policies, elements, or standards that modify, replace, or supersede other general requirements. These Plan Areas may contain elements that address specific land use(s), including, but not limited to, types of development, such as cluster/compact development, housing, circulation and transportation, recreation, public safety services and facilities, historic preservation, water conservation, agricultural/farmland preservation, open space, and natural resources.



#### 402 DECLARATION

The Plan Designations identified herein comprise the broad parameters for land use delineated in the Cochise County Comprehensive Plan, within which the orderly and well-planned growth and conservation of resources within the unincorporated areas of Cochise County may occur. Zoning District formation shall be consistent with the character of the Plan Designation or Area in which the site is located. No application will be accepted, and no public hearing will be scheduled to consider any proposed Zoning amendment that is not consistent with the applicable plan designation. Therefore, public hearings to consider Zoning changes shall be granted only for those Zoning Districts listed below as being permitted in the applicable plan designation unless otherwise provided for pursuant to an adopted community plan, area plan, neighborhood plan, master development plan, or unless an appropriate plan amendment is submitted in conjunction with the proposed Zoning change.

The Zoning Districts authorized within each respective plan or area designation are as follows:

PLAN DESIGNATION	PERMITTED ZONING DISTRICTS
Neighborhood Conservation (NC)	R-36, R-18, R-9, NB, SM-36, SM-18, SM-9, SR-43, SR-22, SR-12, SR-8, MR-1, MR-2
Enterprise (ENT)	NB, GB, LI, HI
Developing (DEV)	RU-2, R-36, R-18, R-9, SM-87 (2-acres), SM-36, SM-18, SM-9, SR-87 (2-acres), SR-43, SR-22, SR-12, SR-8, MR-1, MR-2, NB, GB, LI, HI
Neighborhood Rehabilitation (NR)	Same as NC
Enterprise Redevelopment (ER)	Same as ENT
Rural Residential (RR)	RU-36, RU-18, RU-10, RU-4, RU-2, SM-36 Acres, SM-18 Acres, SM-10 Acres, SM-174 (4-acres), SM-87 (2-acres), SR-36 Acres, SR-18 Acres, SR-10 Acres, SR-174 (4-acres), SR-87 (2-acres)
Rural (R)	RU-36, RU-18, RU-10, RU-4, RU-2, SM-36 Acres, SM-18 Acres, SM-10 Acres, SM-174 (4-acres), SM-87 (2-acres), SR-36 Acres, SR-18 Acres, SR-10 Acres, SR-174 (4-acres), SR-87 (2-acres), HI

#### 403 IDENTIFYING PLAN AREAS BY GROWTH AREA CATEGORY

The following principles shall be used as official guides in identifying plan areas as Category A (Urban Growth), Category B (Community Growth), Category C (Rural Community Growth), or Category D (Rural):

##### 403.01 Identifying Plan Areas as Urban Growth (Category A)

- A. The area has established or planned residential and/or non-residential development and has the potential to be annexed by an abutting incorporated city.
- B. The area can be adequately served by an adjacent community sewer system, potable water system, and fire district.



- C. Average residential lot sizes are less than one acre in size.
- D. The area provides major regional commercial and other non-residential services.
- E. Street improvements and urban site development standards (e.g., limitations on residential outdoor storage and requirements for asphaltic parking areas) are appropriate.
- F. The area has the potential for or is currently served by adequate drainage, transportation, and K-12 school systems, as well as organized recreational facilities that can serve high-density development.

#### **403.02 Identifying Plan Areas as Community Growth (Category B)**

- A. The area to be designated has a moderate level of residential and/or non-residential growth.
- B. The area serves as a logical transition between urban growth and rural areas and/or has a distinctive community identity. It may serve as a commercial center or “townsite” for a rural community.
- C. The area has adequate water, access, drainage, and sewage disposal capability to accommodate medium to high-density development.
- D. In general, residential lot sizes are one-acre or less in size but may transition to larger lot sizes at the fringes of the area. Lots may have access to an on-site or off-site sewer facility and potable water and are commonly found in established subdivisions and manufactured/mobile home parks or historic town sites.
- E. Improved streets designated as arterial or collectors can support limited non-residential development.
- F. There is substantial potential for further development along with opportunities to preserve undeveloped lands such as open space and washes.

#### **403.03 Identifying Plan Areas as Rural Community (Category C)**

- A. Residential and non-residential development is clustered in settlements on a variety of lot sizes as typified in established townsites and immediate environs.
- B. Other than arterials and collectors, roads are generally unimproved. However, increases in residential and non-residential development will likely warrant improvements, such as paving, in the future.
- C. Farming and ranching are prevalent activities adjacent to these areas.
- D. Non-residential enterprises generally serve the rural/agricultural community as well as visitors passing through if located on a major arterial road.

#### **403.04 Identifying Plan Areas as Rural (Category D)**

- A. The outlying rural areas between cities and unincorporated communities are characterized by a low rate of growth; unimproved roads; low density, large lot rural residential development; agricultural production; and large tracts of undeveloped private and public lands.
- B. The area does not currently meet the criteria for inclusion in either A, B, or C Growth Areas.

#### **404 GUIDING PRINCIPLES FOR AMENDING PLAN DESIGNATIONS**

The following principles shall be used as official guides in determining whether a plan designation shall be amended:

##### **404.01 Designating Areas As Neighborhood Conservation (NC)**

- A. The area to be designated as Neighborhood Conservation must be included in a Category A, B, or C Growth Area, established or enlarged in accordance with Subsections 403.01, 403.02, or 403.03.
- B. The area to be designated is a developed residential neighborhood that needs protection from non-residential uses; or
- C. The area is an approved subdivision for which all required improvements are in place and constructed to minimum County standards.

##### **404.02 Designating Areas As Enterprise (ENT)**

- A. The area to be designated as Enterprise must be included in a Category A, B, or C Growth Area, established or enlarged in accordance with Subsections 403.01, 403.02, or 403.03.
- B. The majority of land uses in the area to be designated are commercial or industrial enterprises.
- C. Enterprise development has reached the level whereby additional residential growth within the area to be designated is undesirable to the parties in interest.
- D. The area to be designated contains, or can provide, sufficient dedicated public access, improved to County standards, to carry traffic that will be generated by and to such area.
- E. The carrying capacity of the land can accommodate enterprise uses.

##### **404.03 Designating Areas As Developing (DEV)**

- A. The area to be designated as Developing must be included in a Category A, B, or C Growth Area, established or enlarged in accordance with Subsections 403.01, 403.02, 403.03.
- B. Lands that are developed with scattered, mixed residential, business, industrial, and agriculture-related uses and that ultimately will accommodate future growth as the more populated areas reach build-out.

##### **404.04 Designating Areas As Neighborhood Rehabilitation (NR)**

- A. The area to be designated is within a Category A, B, or C Growth Area.
- B. The area is a residential neighborhood with a high number of deteriorating dwellings.
- C. The infrastructure of the area is unable to provide for adequate public health, safety, welfare, and general convenience.
- D. There is community interest in improving the area.
- E. Some flexibility in site development and building code standards may be appropriate to facilitate improvements (see Article 17 - Lot Development Administrative Modifications).



#### **404.05 Designating Areas As Enterprise Redevelopment (ER)**

- A. The area to be designated is within Category A, B, or C Growth Area.
- B. The area is:
  - 1. Comprised of a high number of deteriorating enterprise uses; and/or
  - 2. Has a large number of incompatible neighborhood and enterprise uses that are deteriorating.
- C. The infrastructure of the area is unable to provide for adequate public health, safety, welfare, and general convenience.
- D. There is some existing community interest in improving the area.
- E. Some flexibility in site development and building code standards may be appropriate to facilitate improvements (see Article 17 - Lot Development Administrative Modifications).

#### **404.06 Designating Areas As Rural Residential (RR)**

The “Rural Residential” (RR) plan designation is used to describe areas in Category D (Rural) areas with a definite pattern of residential development on larger lots, two acres, or larger in size. Due to the well-established residential character of these areas, Rezonings or Special Use Authorizations to allow for more intensive developments that do not directly serve the residents of these areas are not generally appropriate. Less intensive businesses that serve area residents may be appropriate.

#### **404.07 Designating Areas As Rural (R)**

Areas designated as “Rural” are identified as those remaining lands in Category D Rural Areas that are not designated Rural Residential. They are identified by one or more of the following characteristics: sparsely populated; larger lot sizes; agricultural production or grazing; availability of sites large enough for intensive industrial uses that cannot be accommodated in other growth areas; large expanses of private and public lands; and/or have developed and undeveloped recreational resources.

#### **405 MAJOR AMENDMENTS - DEFINITIONS**

An amendment to the Comprehensive Plan shall be considered a “major amendment” if it would result in a substantial alteration of the County’s land use mixture or balance as established in the existing Comprehensive Plan land use element for that area of the County.

A “substantial alteration” is defined as an amendment of the Comprehensive Plan that would result in an increase in the potential densities or intensities of uses for an area of two thousand acres or more.

#### **406 MASTER DEVELOPMENT PLANS**

##### **406.01 Definition**

A Master Development Plan is a duly adopted component of the Cochise County Comprehensive Plan that provides a detailed plan for the coordinated development of a specific area. A master development plan will address, at a minimum: basic densities and water adequacy; specific future land uses and boundaries thereof;



the general character, extent, and location of major thoroughfares, collector streets, and other modes of transportation; major drainageways and flood control structures; open space; schools, parks, utility installation, and community facilities as applicable, for a designated area of Cochise County.

#### **406.02 Purpose**

While growth category and community/neighborhood plan boundaries seek to guide growth and establish policies around and within existing rural service communities and urban areas, the purpose of a master development plan is to establish County policy regarding the future development of a specific area warranting more detailed planning. The adoption of a master development plan by the Board of Supervisors will serve as an amendment to the Comprehensive Plan and will replace the existing underlying growth category and plan designations for the property or properties that it addresses. Master Development Plans shall be required if one or more of the following are proposed:

- A. A proposed change of an existing Growth Category D, Rural Area, or Rural Residential designation to be applicable to an area that is not contiguous to an existing Growth Category A, B, or C area. This does not include amendments initiated by the Planning Commission.
- B. A proposed Zoning amendment for 10 acres or more if the amendment includes a mixture of new residential and non-residential Zoning Districts.
- C. A proposed Zoning amendment in Category A, B, and C Growth Areas for 160 acres or more where the proposed gross density will be greater than one residence per acre.
- D. A proposed Zoning amendment that includes a Planned Development (PD) Zoning District (see Article 15).
- E. A proposed Rezoning to Heavy Industry (HI) in a Category D area has the potential to include more than one principal use.
- F. A proposed major amendment to the Comprehensive Plan is submitted for the purpose of authorizing one or more development projects. This does not include major amendments initiated by the Planning Commission.

#### **406.03 Limitations**

Master Development Plans shall not be adopted if they are incompatible with adjacent categories and designations or the policies of adopted community/neighborhood area plans, where applicable.

#### **406.04 Status Of Master Development Plan**

- A. Master Development Plans constitute official guides for the Planning Commission, Board of Supervisors, and all County officials and agencies for accomplishing a coordinated, orderly, and well-planned development of specific unincorporated areas through Zoning Regulations, subdivision design regulations, floodplain regulations, the establishment of setback lines, road alignments, land use locations, and other methods provided by law.
- B. Master Development Plans constitute official notice to all agencies and to the public of the general lands for the development of the designated area.
- 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 Cochise County subdivision regulations, as applicable, unless specifically waived or modified by the Board of Supervisors in the approval of the master development plan.

#### **406.05 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 Commission and Board of Supervisors may allow minor variations from that 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 Commission and Board of Supervisors shall not alter the policy set by the master development plan regarding 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. If the Planning Commission and Board of Supervisors desire to alter the policy set by a master development plan, they may amend the plan by following the procedures set forth in Section 407 herein. Zoning amendments that conform to adopted Master Development Plans shall not be considered “spot” Zoning.

#### **406.06 Submittal Requirements For Master Development Plans**

- A. The Applicant shall submit a master development plan map, drawn at a scale of either 50, 100, or 200 feet to one inch, or at a scale approved by the County Zoning Inspector, which provides 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, development, and any incorporated city boundaries within 3 miles of the development.
  3. Boundary lines and ties to at least two section corners or quarter corners, and dimensions of plan area boundaries. Section lines and mid-section lines shall be clearly designated.
  4. Existing land uses, existing zoning status, roads, and wash corridors within the designated area and within one-quarter (¼) mile of the proposed plan area.
  5. Proposed sizes of the various types of lots or parcels to be developed (acreage or square footage).
  6. General topography, at 10-foot contour intervals, all drainage ways having a contributing drainage area of 150 acres or more, and all flood hazard zones.
  7. The major street layout, including existing major thoroughfares serving, traversing, abutting, or otherwise affecting or affected by the proposed plan area; proposed collector and arterial streets; existing easements and rights-of-way within the plan area.
  8. If more than one Zoning District is proposed, the boundaries of the different Zoning Districts.



9. Locations of proposed and existing structures, land use locations, major off-street parking and loading areas, open space, trail circulation systems, public facilities such as schools, parks, or other recreation opportunities as applicable and approximate densities.
  10. General location of utilities, easements, and other service facilities.
  11. 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, habitat preservation, and/or scenic features of the land.
  3. General provisions for pedestrian, bicycle, and equestrian circulation throughout the development.
  4. A 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. A statement specifying how amenities are to be provided (sidewalks, open space, parks, recreational facilities, streetlights, curb and gutter, landscaping), including approximate timing and location.
  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 the 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. An Analysis of Adequate Water Supply, issued by the Arizona Department of Water Resources, determining that sufficient water is physically available to meet the water demands of the development or a commitment to provide water service to the development by a water provider designated by the Arizona Department of Water Resources as having an adequate water supply.
  9. Projected trip generation for the entire project at completion. If the projected trip generation is of sufficient magnitude to significantly increase traffic, 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 surface, or the road is near, at, or over capacity, a traffic impact study including the following additional information is necessary:



- a. Survey of thoroughfares, existing and planned, within at least one-half mile of the proposed plan area and may extend to collector and arterial streets serving the site.
  - 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 rights-of-way improvements as necessary to serve projected traffic loads.
  - f. The current level of improvement of major routes serving the site (i.e., built to County standards).
  - g. An inventory and analysis of off-site improvements are to be made, with approximate timing for each phasing.
  - h. Provisions for controlling access to major streets.
- 10. Provisions for water conservation measures such as effluent reuse, recharge facilities, gray water systems, water harvesting systems, low-flow fixtures and appliances, deed restrictions governing water use, drought-tolerant landscaping including turf limitations, low flow irrigation, and others.
- 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 hazards or corrosivity.
- 12. 3-Dimensional renderings of the development proposal overlaid onto aerials or maps showing the visual context of the proposed development in relation to existing development and/or staking when appropriate to evaluate the impact on views.
- 13. Statement of development, or phases, not to exceed five years from approval unless otherwise approved by the Board of Supervisors.
- C. Certain submittal requirements in Sections A and B may be waived upon a determination by the County Zoning Inspector that they are not applicable or necessary to the proposed application.

## **407 PROCEDURES FOR AMENDMENTS TO COMPREHENSIVE PLAN**

### **407.01 Pre-Application And Public Participation Requirements**

Applicants proposing any amendment to the Comprehensive Plan, including Master Development Plans, will be required to follow the procedures as stated in the Cochise County Comprehensive Plan under “Public Participation Requirements for Comprehensive Plan Amendments.” If the Comprehensive Plan amendment also includes a proposal to amend Zoning District boundaries, then the notification requirements set forth in Article 22 of these Zoning Regulations shall be applied instead.

### **407.02 Public Participation Report Submittal Requirements**

A report documenting the Public Participation Process shall be required as part of the application for amendments to the Comprehensive Plan. This report shall, at a minimum, include copies of notices; copies

of all information provided to the public; any responses received from the public during this process; and a description of how the Applicant responded to this feedback.

#### **407.03 Planning Commission And Board Actions**

Applications for amendments to the Comprehensive Plan, including master development plans, shall be made to the Planning Commission on a form provided by the County Zoning Inspector and shall be accompanied by the appropriate fee as set forth in the adopted Planning and Zoning Fee Schedule, Public Participation Report, Master Development Plan, if applicable, and supporting documentation. The Planning Commission may initiate amendments to the Comprehensive Plan upon its own motion.

#### **407.04**

Before approval of any change to the Comprehensive Plan, the Planning Commission shall hold at least one public hearing thereon, after giving at least 15-calendar days' notice by publication once in a newspaper of general circulation in the County seat. In addition, the notice shall be published in a newspaper of general circulation in the area to be affected, or adjacent thereto, if the area affected is other than the County seat. A recommendation of approval by the Planning Commission shall require the affirmative vote of a majority of the members present.

#### **407.05**

At this hearing, the Planning Commission shall determine if the proposed amendment is consistent with the adopted goals and policies of the Cochise County Comprehensive Plan. The Planning Commission may recommend that the proposed amendment be approved as submitted, that it be modified or conditioned, or that it be rejected in whole or in part.

#### **407.06**

Pursuant to Arizona Revised Statutes, 60-calendar days prior to the Board of Supervisors meeting, the Community Development Department shall transmit a formal notice of any major amendment or plan element to:

- A. The Board of Supervisors.
- B. All municipalities in the County.
- C. Each other County is contiguous to the County.
- D. The regional planning agency in the County (Southeastern Arizona Government Organization (SEAGO)).
- E. The Department of Commerce or any other State agency that is subsequently designated as the general planning agency for this State.
- F. Any person or entity that requests in writing to receive a review copy of the proposal.
- G. The military airport if the Comprehensive Plan or a portion, element, or amendment of the Comprehensive Plan is applicable to the territory in the vicinity of a military airport as defined by Arizona Revised Statutes.

#### **407.07**

After the Planning Commission makes its recommendation on an amendment to the Comprehensive Plan, the application shall be submitted to the Board of Supervisors for its consideration and official action. The Board of Supervisors shall hold one public hearing at which residents of the affected area and other members of the public shall be heard. At least 15-calendar days' notice of the hearing shall be given by publication once in a newspaper of general circulation in the County seat. The Board shall consider protests and objections to the plan. The Board may adopt the plan as presented, impose conditions or modifications, or reject it in whole or in part. All proposed major amendments, as defined previously (Section 405), for a given calendar year shall be presented to the Board of Supervisors, with the recommendations from the Planning Commission, at a single public hearing to be held during the last quarter of each calendar year. Applications for major amendments will only be accepted from the first business day in January to the last business day of August to allow for proper public notice, analysis, and deliberation at this hearing.

#### **407.08**

A community/neighborhood area plan or master development plan may be amended by the same procedure as herein established for its adoption.

#### **407.09 Schedule Of Development**

The Board of Supervisors 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 years unless specifically authorized by the Board. If at the expiration of any designated term, the developer has failed to comply with the applicable conditions, the Board 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 or Applicant who requested plan approval, or any successor in interest, shall be notified of the hearing by registered mail.

#### **407.10 Revocation Of A Master Development Plan**

If the Board 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 Comprehensive Plan amendment is adopted and/or new Zoning District is approved.



# ARTICLE 5

## ZONING DISTRICTS, MAPS, AND BOUNDARIES

### 501 ESTABLISHMENT OF ZONING DISTRICTS

The following Zoning Districts are re-established or established:

- 501.01 RU-36, Rural District
- 501.02 RU-18, Rural District
- 501.03 RU-10, Rural District
- 501.04 RU-4, Rural District
- 501.05 RU-2, Rural District
- 501.06 R-36, Residential District
- 501.07 R-18, Residential District
- 501.08 R-9, Residential District
- 501.09 SM-36 Acres, Single-Household/Manufactured Home Residential District
- 501.10 SM-18 Acres, Single-Household/Manufactured Home Residential District
- 501.11 SM-10 Acres, Single-Household/Manufactured Home Residential District
- 501.12 SM-174 (4 acres), Single-Household/Manufactured Home Residential District
- 501.13 SM-87 (2 acres), Single-Household/Manufactured Home Residential District
- 501.14 SM-36, Single-Household/Manufactured Home Residential District
- 501.15 SM-18, Single-Household/Manufactured Home Residential District
- 501.16 SM-9, Single-Household/Manufactured Home Residential District
- 501.17 SR-36 Acres, Single-Household Residential District
- 501.18 SR-18 Acres, Single-Household Residential District
- 501.19 SR-10 Acres, Single-Household Residential District
- 501.20 SR-174 (4 acres), Single-Household Residential District
- 501.21 SR-87 (2 acres), Single-Household Residential District
- 501.22 SR-43, Single-Household Residential District
- 501.23 SR-22, Single-Household Residential District
- 501.24 SR-12, Single-Household Residential District
- 501.25 SR-8, Single-Household Residential District
- 501.26 MR-1, Multiple-Household Residential District
- 501.27 MR-2, Multiple-Household Residential District
- 501.28 NB, Neighborhood Business District
- 501.29 GB, General Business District



## **502 ZONING DISTRICT MAPS**

The boundaries of the Zoning Districts established by these Zoning Regulations shall be those shown on the maps entitled "Official Cochise County Zoning District Map" (adopted January 1, 1975, and as thereafter amended).

## **503 BOUNDARY DETERMINATION**

Where uncertainty exists with respect to the boundaries of any Zoning District, as shown on the Zoning District Maps, the following rules shall apply:

### **503.01**

Boundaries indicated as approximately following the center lines of streets, highways, or alleys shall be construed as following the center lines.

### **503.02**

Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.

### **503.03**

Boundaries indicated as approximately following city limits shall be construed as following city limits.

### **503.04**

Boundaries indicated as following railroad lines shall be construed to be midway between the main tracks.

### **503.05**

Boundaries indicated as approximately following the center lines of streams, rivers, lakes, or other bodies of water shall be construed to follow such center lines.

### **503.06**

Boundaries indicated as parallel to or extensions of features indicated in Subsections .01 through .05 above shall be so construed.

### **503.07**

Distances not specifically indicated on the Zoning District Maps shall be determined by the scale of the map; and

### **503.08**

Where physical or cultural features existing on the ground are at variance with those shown on the Zoning District Maps or any other uncertainty exists as to the boundary of any Zoning District, the Board of Adjustment shall interpret the district boundaries.



## **504 OFFICIAL ZONING DISTRICT MAP**

### **504.01**

The Official Cochise County Zoning District Map, together with all digital explanatory matter hereon, is hereby adopted by reference and declared to be an official record and a part of these Zoning Regulations.

### **504.02**

Whenever amendments or changes are made in Zoning District boundaries, such amendments or changes shall be made promptly on the Official Zoning District Map.

### **504.03**

No changes of any kind shall be made in the Official Zoning District Map except in conformance with the procedures set forth in these Zoning Regulations. Any unauthorized change of whatever kind by any person or persons shall be considered a violation of these Zoning Regulations and punishable as provided in Article 23.

### **504.05**

Regardless of the existence of purported copies of the Official Zoning District Map which may from time to time be made or published, the Official Zoning District Map shall be a digital map in the custody of the Clerk of the Board of Supervisors. Said digital map shall be the final authority as to the current Zoning status of all lands in the area of jurisdiction.

## **505 PUBLIC WAY ABANDONMENT**

Whenever any streets, alley, or other public way is abandoned by the Board of Supervisors, the Zoning District(s) of the parcel(s) to which the right-of-way becomes attached shall apply to all areas included in the vacation, which shall thereafter be subject to all appropriate regulations of the extended district or districts.

## **506 LANDS PREVIOUSLY ZONED**

Lands which for any reason come under the authority of Cochise County after these Zoning Regulations become effective shall be subject to the regulations of that Zoning District designated for such lands previously by Cochise County on the Official Zoning District Map.

## **507 LANDS NOT PREVIOUSLY ZONED**

Lands under the authority of Cochise County at or after the time these Zoning Regulations become effective which have not been previously zoned by Cochise County shall be subject to the regulations of an RU-10 (Rural) Zoning District if in a Category D (Rural) plan designation, or RU-2 if within another plan designation until such time that the Zoning of such lands is amended in accordance with these Zoning Regulations.



#### **508 RURAL ZONED DISTRICTS**

For the purposes of the application of building codes, qualifying land for the Rural Residential Owner-Builder Amendment shall include all lands in any Growth Area Category and lying within a Zoning District in which the minimum lot size is four-acres, and the parcel is a minimum of four-acres. Certain lands within the above Areas, as specified in the ordinance establishing building codes or that specified exemptions for Rural Residential Owner-Builder Amendment structures, as currently adopted or as may hereafter be amended, may be exempted from the Cochise County Building Safety Code by the Board pursuant to Arizona Revised Statutes. Property owners whose structures were damaged or destroyed by catastrophic events that the BOS declares an emergency and who wish to repair or rebuild properties of less than four acres may qualify for the Rural Residential Owner-Builder Amendment.



# ARTICLE 6

## RU, RURAL ZONING DISTRICTS

### 601 PURPOSE

RU (Rural) Zoning Districts are established to achieve the following purposes:

- 601.01 To preserve the character of areas designated as “Rural” in the Cochise County Comprehensive Plan.
- 601.02 To encourage those types of non-residential and non-agricultural activities which serve local needs or provide a service and are compatible with rural living.
- 601.03 To preserve the agricultural character of those portions of the County capable of resource production.
- 601.04 To provide space for people, minimize traffic congestion, and preserve the existing rural environment of unincorporated areas of the County situated outside of existing communities.
- 601.05 To provide recreational support services that are compatible with rural living.
- 601.06 To protect the quality of the natural environment as it relates to safeguarding the health, safety, and welfare of the people in Cochise County; and
- 601.07 To allow consideration of some more intense non-residential uses as Special Uses that are inappropriate in more densely populated urban/suburban areas that may under some circumstances be appropriate in rural areas if designed to be sensitive to the general character of rural districts and natural environment and harmonious and in scale with existing development near the proposed site and in conformance with Section 601.06.

### 602 DIVISION OF RU ZONING DISTRICTS

The RU (Rural) Zoning Districts shall be further divided into the following density districts, which are so designated on the Official Zoning District Map, and subject to the regulations herein:

- 602.01 RU-36
- 602.02 RU-18
- 602.03 RU-10
- 602.04 RU-4
- 602.05 RU-2





### **603 PERMITTED PRINCIPAL USES**

The following uses shall be permitted in all RU Zoning Districts, provided that they conform to the applicable site development standards for such uses set forth below and meet any other requirements for such uses found in these Zoning Regulations, such as off-site road and drainage improvements. (Also see Section 606, Other Permitted Uses).

- 603.01 All Single- and Multiple-Household Dwellings.
- 603.02 Mobile Home or Manufactured Home Parks subject to the maximum densities in Section 604.01. The standards set forth in Article 18 shall not apply.
- 603.04 Utility Installations not otherwise exempted by Article 20, other than Electrical Generation Plants, Regional Sewage Treatment Plants, Solid Waste Landfills, or Incinerators.
- 603.05 Churches or places of religious worship.
- 603.06 Veterinary Clinics and/or Animal Hospitals (enclosed building).
- 603.07 Riding Stables, Commercial, on a minimum site of 10 acres.
- 603.08 Emergency Vehicle Stations not otherwise exempted by Article 20.
- 603.09 Residential Care Homes.
- 603.10 Grocery Stores (not including gasoline sales) and Agriculture-Related Retail Sales where the sales area does not exceed 2,500 square feet of total area, including any outdoor storage
- 603.11 Day Care Facilities.
- 603.12 Communications Towers at a maximum height of 30 feet, subject to site development standards in Article 18
- 603.13 Anemometers, with temporary use permit, not to exceed three years.
- 603.14 Recreational Facilities, Indoor and/or Outdoor, approved as part of a subdivision review process for subdivision and guests only.
- 603.15 Civic, Social, Fraternal, or Business Associations approved as part of a subdivision review process for subdivision and guests only.
- 603.16 Custom Butchering/Meat Curing/Processing with a 100-foot minimum setback.
- 603.17 Agricultural-Processing with a 300-foot minimum setback.
- 603.18 Farmers Markets.
- 603.19 Community Gardens.

### **604 SITE DEVELOPMENT STANDARDS**

All uses permitted in RU Zoning Districts shall conform to the following minimum site development standards in addition to the provisions of Article 18:



**604.01 Minimum Site Area and Maximum Density**

District	Minimum Site Area	Maximum Density
RU-36	36-acres	One dwelling per 36 acres
RU-18	18-acres	One dwelling per 18 acres
RU-10	10-acres	One dwelling per 10 acres
RU-4	4-acres	One dwelling per 4 acres
RU-2	2-acres	One dwelling per 2 acres

**604.01 Maximum Height**

Principal Structure	30 feet above grade
Accessory structure	30 feet above grade
Wall or fence	8 feet above grade

**604.02 Setbacks, Principal and Accessory Structures/Uses**

The minimum setback shall be measured from the closest point on the property line or the edge of the road travel way to the structure/use, whichever is closer. The minimum required setbacks for permitted uses are:

District	Setback*
RU-36	20-feet
RU-18	20-feet
RU-10	20-feet
RU-4	20-feet
RU-2	20-feet

\* The minimum required setbacks for accessory structures no larger than 200-square feet is 10 feet.

**604.03 Maximum Site Coverage**

25-percent.

**604.04 Distance Between Structures**

Except as otherwise provided in these Zoning Regulations, the minimum distance between principal structures shall be 15 feet, 10 feet for multiple-household structures. Nothing herein shall prevent the permanent attachment of structures.

**604.05 Screening**

In Category A, B, and C Growth Areas, whenever a non-residential use abuts a residential Zoning District or is separated therefrom by an alley, the developed area of the non-residential site shall be screened with a 6-foot-high solid screen (see Article 2 for definition). Non-residential outdoor storage shall be screened regardless of abutting Zoning District. The County Zoning Inspector may defer the screening if the abutting residentially zoned property is not yet developed with a residential use. In Category D (Rural) Areas, whenever a non-residential use abuts an area designated as Rural Residential (RR), the developed area of the non-residential site shall be screened with a 6-foot-high solid screen; otherwise, screening is not required.



#### **604.06 Alternative Conservation Subdivision Option**

Pursuant to the Cochise County Subdivision Regulations, the Residential Conservation Subdivision option, providing a wider latitude of design, more economical use of land, and density bonuses, is available for the development of residential subdivisions.

#### **605 PERMITTED ACCESSORY USES**

Accessory uses are permitted in RU Zoning Districts, provided they are customarily incidental to an established permitted principal use. Accessory structures may exceed the size of the principal structure unless otherwise stated, provided that all other site development standards are met. For residential uses, the following additional accessory uses and buildings shall be permitted:

605.01 Recreational Vehicles (RVs) are allowed as follows:

- A. No permit is required for the storage of no more than two RVs on a parcel.
- B. Temporary occupancy of one RV in conjunction with permitted principal use for up to six months in a calendar year with a required Temporary Use Permit; stays of 15 consecutive days or less do not require a permit.
- C. Temporary occupancy of RVs in conjunction with the construction of a residential or non-residential permitted principal use. Such occupancy shall be limited to the length of the building permit with a required Temporary Use Permit, subject to procedures in Article 17.
- D. Recreational vehicles accessory to a principal permitted use may not be rented out.

605.02 Rooms in the principal dwelling for roomers, not exceeding two such persons per dwelling unit (no permit is required).

605.03 One Accessory Living Quarter, subject to the definition in Article 2 and the procedures in Article 17.

605.04 Family Cemetery on a minimum parcel of one acre, subject to procedures in Article 18 (informational permit is required).

605.05 Occupations.

605.06 Manufactured and Mobile Homes used as storage units in Zoning Districts with minimum lot sizes of four acres or larger, provided that the kitchen and bathrooms are removed, and electricity is the only utility provided.

605.07 Wind Energy Systems, subject to site development standards in Article 18.

605.08 Solar Energy Systems, subject to site development standards in Article 18.

#### **606 OTHER PERMITTED USES**

The following rural uses will be allowed without the establishment of permitted principal use:

606.01 Solid fences or walls seven feet in height or less. Setbacks do not apply; no permit is required unless greater than three feet in height on a corner lot (informational permit required).

- 606.02 Well houses, in a fixed location. Required minimum setbacks shall be 50 feet from the property lines; no permit is required if 200-square feet or less. A permit is required for electrical and/or if located in a floodplain.
- 606.03 In Category A and B only, one out-building, in a fixed location, corrals, and pens. Multiple structures are allowed in Category C and D.

## **607 SPECIAL USE AUTHORIZATION**

The following land uses require a Special Use Authorization from the Planning Commission in the RU Zoning Districts, subject to the procedures and review criteria set forth in Article 17. If granted, each land use will also require a Non-Residential Use permit.

- 607.01 Guest Lodging.
- 607.02 Recreational Vehicle Parks designed to ensure that the park fits into the rural landscape, such as clustering RV sites, maintaining perimeter open space, and enhancing existing vegetation using drought-tolerant vegetation.
- 607.03 Welfare and/or Charitable Services.
- 607.04 Recycling/Solid Waste Transfer Facilities.
- 607.05 Zoos and/or other Animal Exhibits or Sanctuaries.
- 607.06 Veterinary Clinics and/or Animal Hospitals.
- 607.07 Animal Husbandry Services.
- 607.08 Recreational Facilities, Indoor and/or Outdoor.
- 607.09 Outdoor Firearms, Skeet, Archery, or Trap Shooting Ranges.
- 607.10 Fairgrounds and/or Outdoor Amusement Parks.
- 607.11 Gasoline/Service Stations.
- 607.12 Convenience Stores.
- 607.13 Restaurants, Bars, Taverns, Nightclubs, and/or Off-Site Winery Tasting Rooms.
- 607.14 Contract Construction Services.
- 607.15 Airports, Airstrips, Helipads, and/or Heliports.
- 607.16 Manufacturing, Wholesaling, Warehousing, Distribution, and/or Storage of Agriculture-Related Products.
- 607.17 Manufacturing, Wholesaling, Warehousing, Distribution, and/or Storage of Products, activity area not to exceed 5,000 square feet
- 607.18 Commercial Feed Lots, Stockyards, and/or Livestock Auction Barns on a site not less than 20 acres.
- 607.19 Wholesaling, Warehousing, Distribution, and/or Storage of Propane.
- 607.20 Motion Picture Production Sites/Studios.



- 607.21 Custom Butchering/Meat Curing/Processing with less than a 100-foot minimum setback.
- 607.22 Transient Camps, Migrant Labor Camps.
- 607.23 Retail Sales/Rentals.
- 607.24 Civic, Social, Fraternal, and/or Business Associations.
- 607.25 Educational Services.
- 607.26 Personal and Professional Services.
- 607.27 Hospitals. Health Clinics.
- 607.28 Repair Services, Large Engines.
- 607.29 Repair Services, Light
- 607.30 Repair Services, Small Engines.
- 607.31 Recycling Centers.
- 607.32 Cultural, Historic, and/or Nature Exhibits.
- 607.33 Residential Care Institutions.
- 607.34 Offender Rehabilitation Facilities.
- 607.35 Group Quarters.
- 607.36 Funeral and/or Crematory Services.
- 607.37 Golf Courses subject to the site development standards in Article 18.
- 607.38 Agricultural-Processing with less than a 300-foot minimum setback.
- 607.39 Communications Towers exceeding 30 feet in height, subject to site development standards in Article 18.
- 607.40 Cemeteries.
- 607.41 Slaughterhouses/Meat Packing Plants.
- 607.42 Day Care Establishments.
- 607.43 Commercial Plant Nurseries.
- 607.44 Grocery Stores.
- 607.45 Research and/or Testing Laboratories.
- 607.46 Impound Storage Yards.
- 607.47 Wind Energy Power Plants in Category D Areas only, subject to site development standards in Article 18.
- 607.48 Mini-Warehouses.
- 607.49 Riding Stables, Commercial, on a site less than 10 acres.
- 607.50 Solar Energy Power Plants, subject to site development standards in Article 18.
- 607.51 Marijuana Cultivation Facility in RU-4 and greater only.
- 607.52 Marijuana Establishment in RU-4 and greater only.
- 607.53 Marijuana Establishment Cultivation Facility in RU-4 and greater only.
- 607.54 Marijuana Infusion Facility in RU-4 and greater only.
- 607.55 Marijuana Testing Facility in RU-4 and greater only.



# ARTICLE 7

## R, RESIDENTIAL ZONING DISTRICTS

### 701 PURPOSE

R (Residential) Zoning Districts are established to achieve the following purposes:

- 701.01 To provide an area for families living at a variety of low to medium densities.
- 701.02 To provide an area where single-household dwellings, rehabilitated mobile homes, and manufactured homes can co-exist.

### 702 DIVISION OF R ZONING DISTRICTS

The R (Residential) Zoning District shall be further divided into the following density districts, which are so designated on the Official Zoning District Map, and subject to the regulations herein:

- 702.01 R-36
- 702.02 R-18
- 702.03 R-9

Existing TR (Transitional-Residential) Districts shall be subject to the requirements of a similar Residential Zoning District.

### 703 PERMITTED PRINCIPAL USES

The following uses shall be permitted in all R Zoning Districts, provided that they conform to the applicable site development standards for such uses set forth below and meet any other requirements for such uses found in these Zoning Regulations, such as off-site road and drainage improvements.

- 703.01 All Single- and Multiple-Household Dwellings.
- 703.02 Mobile Home, Manufactured Home, or Recreational Vehicle Parks, subject to the maximum densities in Section 704.01. The standards set forth in Article 18 shall apply.
- 703.03 Utility Installations not otherwise exempted by Article 20, other than Electric Generation Plants, Regional Sewage Treatment Plants, Solid Waste Landfills, or Incinerators.
- 703.04 Churches or places of religious worship.
- 703.05 Residential Care Homes.
- 703.06 Emergency Vehicle Stations not otherwise exempted by Article 20.
- 703.07 Recreational Facilities, Indoor and/or Outdoor, approved as part of a subdivision review process for subdivision residents and guests only.



- 703.08 Civic, Social, Fraternal, or Business Associations approved as part of a subdivision review process for subdivision residents and guests only
- 703.09 Unlighted Riding Stables, Commercial, on a minimum site of 10 acres, approved as part of a subdivision review process for subdivision residents and guests only.
- 703.10 Community Gardens.

## **704 SITE DEVELOPMENT STANDARDS**

All uses permitted in RU Zoning Districts shall conform to the following minimum site development standards in addition to the provisions of Article 18:

### **704.01 Minimum Site Area and Maximum Density**

<b>District</b>	<b>Minimum Site Area</b>	<b>Maximum Density</b>
R-36	36,000-square feet	One dwelling per 36,000-square feet
R-18	18,000-square feet	One dwelling per 18,000-square feet
R-9	9,000-square feet	One dwelling per 9,000-square feet

### **704.02 Maximum Height**

Principal Structure	30 feet above grade
Accessory structure	30 feet above grade
Wall or fence	8 feet above grade

### **704.03 Setbacks, Principal and Accessory Structures/Uses**

The minimum setback shall be measured from the closest point on the property line or the edge of the road travel way to the structure/use, whichever is closer. The minimum required setbacks for permitted uses are:

<b>District</b>	<b>Setback*</b>
R-36	20-feet
R-18	20-feet
R-9	10-feet

\* The minimum required setbacks for accessory structures no larger than 200-square feet is 10 feet.

### **704.04 Maximum Site Coverage**

65-percent.

### **704.05 Distance Between Structures**

Except as otherwise provided in these Zoning Regulations, the minimum distance between principal structures shall be 15 feet, 10 feet for multiple-household structures. Nothing herein shall prevent the permanent attachment of structures.



#### **704.06 Screening**

In Category A, B, and C Growth Areas, whenever a non-residential use abuts a residential Zoning District or is separated therefrom by an alley, the developed area of the non-residential site shall be screened with a 6-foot-high solid screen (see Article 2 for definition). Non-residential outdoor storage shall be screened regardless of abutting Zoning District. The County Zoning Inspector may defer the screening if the abutting residentially zoned property is not yet developed with a residential use. In Category D (Rural) Areas, whenever a non-residential use abuts an area designated as Rural Residential (RR), the developed area of the non-residential site shall be screened with a 6-foot-high solid screen; otherwise, screening is not required.

#### **704.07 Alternative Conservation Subdivision Option**

Pursuant to the Cochise County Subdivision Regulations, the Residential Conservation Subdivision option, providing a wider latitude of design, more economical use of land, and density bonuses, is available for the development of residential subdivisions.

### **705 PERMITTED ACCESSORY USES**

Accessory uses are permitted in R Zoning Districts provided they are customarily incidental to an established permitted principal use, except accessory structures, which may exceed the size of the principal structure on parcels that are four acres or larger, unless otherwise stated, provided that all other site development standards are met. For residential uses, the following additional accessory uses and buildings shall be permitted:

705.01 Recreational Vehicles (RVs) are allowed as follows:

- A. No permit is required for the storage of no more than two RVs on a parcel.
- B. Temporary occupancy of one RV in conjunction with permitted principal use for up to six months in a calendar year with a required Temporary Use Permit; stays of 15 consecutive days or less do not require a permit.
- C. Temporary occupancy of RVs in conjunction with the construction of a residential or non-residential permitted principal use. Such occupancy shall be limited to the length of the building permit with a required Temporary Use Permit, subject to procedures in Article 17.
- D. Recreational vehicles accessory to a principal permitted use may not be rented out.

705.02 Rooms in the principal dwelling for roomers, not exceeding two such persons per dwelling unit (no permit is required).

705.03 One Accessory Living Quarter, subject to the definition in Article 2 and the procedures in Article 17.

705.04 Family Cemetery on a minimum parcel of one acre, subject to procedures in Article 18 (informational permit is required).

705.05 Home Occupations.

705.06 Wind Energy Systems, subject to site development standards in Article 18

705.07 Solar Energy Systems, subject to site development standards in Article 18





## **706 OTHER PERMITTED USES**

The following uses will be allowed without the establishment of permitted principal use on parcels four- acres or larger:

- 706.01 Well houses, in a fixed location. Required minimum setbacks shall be 50 feet from the property lines; no permit is required if 200-square feet or less. A permit is required for electrical and/or if located in a floodplain.
- 706.02 One outbuilding, in a fixed location, corrals, and pens.
- 706.03 Solid fences or walls seven feet in height or less. Setbacks do not apply; no permit is required, except if greater than three feet in height on a corner lot (informational permit required).

## **707 SPECIAL USE AUTHORIZATION**

The following land uses require a Special Use Authorization from the Planning Commission in the R Zoning Districts, subject to the procedures and review criteria set forth in Article 17. If granted, each land use will also require a Non-Residential Use permit.

- 707.01 Welfare and/or Charitable Services.
- 707.02 Day Care Facilities or Establishments.
- 707.03 Educational Services.
- 707.04 Personal and Professional Services.
- 707.05 Health Clinics.
- 707.06 Residential Care Institutions.
- 707.07 Cemeteries.
- 707.08 Grocery Stores.
- 707.09 Cultural, Historic, and/or Nature Exhibits.
- 707.10 Civic, Social, Fraternal, and/or Business Associations.
- 707.11 Golf Courses subject to the site development standards in Article 18.
- 707.12 Recreational Facilities, Indoor and/or Outdoor.
- 707.13 Communication Towers, subject to site development standards in Article 18.
- 707.14 Veterinary Clinics and/or Animal Hospitals.
- 707.15 Animal Husbandry Services.
- 707.16 Contract Construction Services in R-36 only.
- 707.17 Manufacturing, Wholesaling, Warehousing, Distribution, and/or Storage of Agriculture-Related Products in R-36 only.
- 707.18 Repair Services, Light, not to exceed 2,500 square feet of floor area.
- 707.19 Group Quarters.
- 707.20 Commercial Plant Nurseries.
- 707.21 Mini-Warehouses.
- 707.22 Farmers Markets.



# ARTICLE 8

## SM, SINGLE-HOUSEHOLD/MANUFACTURED HOME RESIDENTIAL ZONING DISTRICTS

### 801 PURPOSE

SM (Single-Household/Manufactured Home Residential) Zoning Districts are established to achieve the following purposes:

- 801.01 To provide an area where conventional single-household dwellings, manufactured homes, and factory-built buildings can co-exist.
- 801.02 To establish an intermediary district between R (Residential) and SR (Single-Household Residential).
- 801.03 To provide an alternative for those residents in existing RU and R Districts who wish to specify housing options and protections for residential property.

### 802 DIVISION OF SM ZONING DISTRICTS

The SM (Single-Household/Manufactured Home Residential) Zoning District shall be further divided into the following density districts, which are so designated on the Official Zoning District Map, and subject to the regulations herein:

- 802.01 SM-36 Acres
- 802.02 SM-18 Acres
- 802.03 SM-10 Acres
- 802.04 SM-174 (4 acres)
- 802.05 SM-87 (2 acres)
- 802.06 SM-36
- 802.07 SM-18
- 802.08 SM-9

Existing TR (Transitional-Residential) Districts shall be subject to the requirements of a similar Residential Zoning District.

### 803 PERMITTED PRINCIPAL USES

The following uses shall be permitted in all SM Zoning Districts, provided that they conform to the applicable site development standards for such uses set forth below and meet any other requirements for such uses found in these Zoning Regulations, such as off-site road and drainage improvements.



- 803.01 All Single- and Multiple-Household Dwellings, excluding Rehabilitated Mobile Homes.
- 803.02 Manufactured Home Parks, subject to the maximum densities set forth in Section 804.01.  
The standards set forth in Article 18 shall apply.
- 803.03 Utility Installations not otherwise exempted by Article 20, other than Electric Generation Plants, Solid Waste Landfills, or Incinerators and/or Regional Sewage Treatment Plans.
- 803.04 Churches or places of religious worship.
- 803.05 Residential Care Homes.
- 803.06 Emergency Vehicle Stations not otherwise exempted by Article 20.
- 803.07 Recreational Facilities, Indoor and/or Outdoor, approved as part of a subdivision review process for subdivision residents and guests only.
- 803.08 Civic, Social, Fraternal, or Business Associations approved as part of a subdivision review process for subdivision residents and guests only.
- 803.09 Unlighted Riding Stables, Commercial, on a minimum site of 10 acres, approved as part of a subdivision review process for subdivision residents and guests only.
- 803.10 Community Gardens.

#### **804 SITE DEVELOPMENT STANDARDS**

All uses permitted in SM Zoning Districts shall conform to the following minimum site development standards in addition to the provisions of Article 18:

##### **804.01 Minimum Site Area and Maximum Density**

<b>District</b>	<b>Minimum Site Area</b>	<b>Maximum Density</b>
SM-36 Acres	36-acres	One dwelling per 36 acres
SM-18 Acres	18-acres	One dwelling per 18 acres
SM-10 Acres	10-acres	One dwelling per 10 acres
SM-174 (4 acres)	174,240-square feet	One dwelling unit per 174,240-square feet
SM-87 (2 acres)	87,120-square feet	One dwelling unit per 87,120-square feet
SM-36	36,000-square feet	One dwelling unit per 36,000-square feet
SM-18	18,000-square feet	One dwelling unit per 18,000-square feet
SM-9	9,000-square feet	One dwelling unit per 9,000-square feet

##### **804.02 Maximum Height**

Principal Structure	30 feet above grade
Accessory structure	30 feet above grade
Wall or fence	8 feet above grade



#### **804.03 Setbacks, Principal and Accessory Structures/Uses**

The minimum setback shall be measured from the closest point on the property line or the edge of the road travel way to the structure/use, whichever is closer. The minimum required setbacks for permitted uses are:

District	Setback*
SM-36 Acres, SM-18 Acres, SM-10 Acres	20-feet
SM-174 (4-acres), SM-87 (2-acres), SM-36, SM-18	20-feet
SM-9	10-feet

\* The minimum required setbacks for accessory structures no larger than 200-square feet are half that of the Zoning District in which it is located.

#### **804.04 Maximum Site Coverage**

District	Maximum Site Coverage
SM-36 Acres, SM-18 Acres, SM-10 Acres	25%
SM-174 (4-acres), SM-87 (2-acres), SM-36, SM-18	25%
SM-9	65%

#### **804.04 Distance Between Structures**

Except as otherwise noted in these Zoning Regulations, a minimum distance between principal structures shall be 15 feet, 10 feet for multiple-household structures. Nothing herein shall prevent the permanent attachment of principal structures.

#### **804.05 Screening**

In Category A, B, and C Growth Areas, whenever a non-residential use abuts a residential Zoning District or is separated therefrom by an alley, the developed area of the non-residential site shall be screened with a 6-foot-high solid screen (see Article 2 for definition). Non-residential outdoor storage shall be screened

#### **804.06 Alternative Conservation Subdivision Option**

Pursuant to the Cochise County Subdivision Regulations, the Residential Conservation Subdivision option, providing a wider latitude of design, more economical use of land, and density bonuses, is available for the development of residential subdivisions.

### **805 PERMITTED ACCESSORY USES**

Accessory uses are permitted in SM Zoning Districts, provided they are customarily incidental to an established permitted principal use. For residential uses, the following additional accessory uses and buildings shall be permitted:

805.02 Recreational Vehicles (RVs) are allowed as follows:

- A. No permit is required for the storage of no more than two RVs on a parcel.

- B. Temporary occupancy of one RV in conjunction with permitted principal use for up to six months in a calendar year with a required Temporary Use Permit; stays of 15 consecutive days or less do not require a permit. Temporary occupancy of RV in conjunction with the construction of a residential or non-residential permitted principal use. Such occupancy shall be limited to the length of the building permit with a required Temporary Use Permit, subject to procedures in Article 17.
  - C. Recreational vehicles accessory to a principal permitted use may not be rented out.
- 805.03 Rooms in the principal dwelling for roomers, not exceeding two such persons per dwelling unit (no permit is required).
  - 805.04 One Accessory Living Quarter, subject to the definition in Article 2 and the procedures in Article 17.
  - 805.05 Family Cemetery on a minimum parcel of one acre, subject to procedures in Article 18 (informational permit is required).
  - 805.06 Home Occupations.
  - 805.07 Wind Energy Systems, subject to site development standards in Article 18.
  - 805.08 Solar Energy Systems, subject to site development standards in Article 18.

#### **806 SPECIAL USE AUTHORIZATION**

The following land uses require a Special Use Authorization from the Planning Commission in the SM Zoning Districts, subject to the procedures and review criteria set forth in Article 17. If granted, each land use will also require a Non-Residential Use permit.

- 806.01 Welfare and/or Charitable Services.
- 806.02 Day Care Facilities or Establishments.
- 806.03 Cultural, Historic, and/or Nature Exhibits.
- 806.04 Personal and Professional Services.
- 806.05 Health Clinics.
- 806.06 Golf Courses subject to the site development standards in Article 18.
- 806.07 Recreational Facilities, Indoor and/or Outdoor.
- 806.08 Educational Services.
- 806.09 Residential Care Institutions.
- 806.10 Civic, Social, Fraternal, and/or Business Associations.
- 806.11 Cemeteries.
- 806.12 Grocery Stores.
- 806.13 Animal Husbandry Services.
- 806.14 Farmers Markets.
- 806.15 Commercial Plant Nurseries



# ARTICLE 9

## SR, SINGLE-HOUSEHOLD RESIDENTIAL ZONING DISTRICTS

### 901 PURPOSE

SR (Single-Household Residential) Zoning Districts are established to achieve the following purposes:

- 901.01 To stabilize and protect single-household residential development.
- 901.02 To provide areas for families living at a broad range of densities.
- 901.03 To provide for residential neighborhoods.

### 902 DIVISION OF SR ZONING DISTRICTS

The SR (Single-Household Residential) Zoning District shall be further divided into the following density districts, which are so designated on the Official Zoning District Map and subject to the regulations herein:

- 902.01 SR-36 Acres
- 902.02 SR-18 Acres
- 902.03 SR-10 Acres
- 902.04 SR-174 (4 acres)
- 902.05 SR-87 (2 acres)
- 902.06 SR-43
- 902.07 SR-22
- 902.08 SR-12
- 902.09 SR-8

Existing PR-40 shall be subject to the requirements of the SR-8 Zoning District.

### 903 PERMITTED PRINCIPAL USES

The following uses shall be permitted in all SR Zoning Districts, provided that they conform to the applicable site development standards for such uses set forth below and meet any other requirements for such uses found in these Zoning Regulations, such as off-site road and drainage improvements.

- 903.01 All Single-Household Dwellings (Site Built and Factory Built Buildings), excluding Manufactured Homes and Rehabilitated Mobile Homes.
- 903.02 Utility Installations not otherwise exempted by Article 20, other than Electric Generation Plants, Regional Sewage Treatment Plants, Solid Waste Landfills, or Incinerators.



- 903.03 Churches or places of religious worship.
- 903.04 Residential Care Homes.
- 903.05 Emergency Vehicle Stations not otherwise exempted by Article 20.
- 903.06 Recreational Facilities, Indoor and/or Outdoor, approved as part of a subdivision review process for subdivision residents and guests only.
- 903.07 Civic, Social, Fraternal, or Business Associations approved as part of a subdivision review process for subdivision residents and guests only.
- 903.08 Unlighted Riding Stables, Commercial, on a minimum site of 10 acres, approved as part of a subdivision review process for subdivision residents and guests only.
- 903.09 Community Gardens.

#### **904 SITE DEVELOPMENT STANDARDS**

All uses permitted in SR Zoning Districts shall conform to the following minimum site development standards in addition to the provisions of Article 18:

##### **904.01 Minimum Site Area and Maximum Density**

<b>District</b>	<b>Minimum Site Area</b>	<b>Maximum Density</b>
SR-36 Acres	36-acres	One dwelling per 36 acres
SR-18 Acres	18-acres	One dwelling per 18 acres
SR-10 Acres	10-acres	One dwelling per 10 acres
SR-174 (4 acres)	174,240-square feet	One dwelling unit per 174,240-square feet
SR-87 (2 acres)	87,120-square feet	One dwelling unit per 87,120-square feet
SR-43	43,560-square feet	One dwelling unit per 43,000-square feet
SR-22	22,000-square feet	One dwelling unit per 22,000-square feet
SR-12	12,000-square feet	One dwelling unit per 12,000-square feet
SR-8	8,000-square feet	One dwelling unit per 8,000-square feet

##### **904.02 Maximum Height**

Principal Structure	30 feet above grade
Accessory structure	30 feet above grade
Wall or fence	8 feet above grade



#### **904.03 Setbacks, Principal and Accessory Structures/Uses**

The minimum setback shall be measured from the closest point on the property line or the edge of the road travel way to the structure/use, whichever is closer. The minimum required setbacks for permitted uses are:

District	Setback*
SR-36 Acres, SR-18 Acres, SR-10 Acres	20-feet
SR-174 (4-acres), SR-87 (2-acres), SR-43, SR-22	20-feet
SR-12, SR-8	10-feet

\* The minimum required setbacks for accessory structures no larger than 200-square feet are half that of the Zoning District in which it is located.

#### **904.05 Distance Between Structures**

Except as otherwise provided in these Zoning Regulations, a minimum distance between principal structures shall be 15 feet, 10 feet for multiple-household structures. Nothing herein shall prevent the permanent attachment of principal structures.

#### **904.05 Screening**

In Category A, B, and C Growth Areas, whenever a non-residential use abuts a residential Zoning District or is separated therefrom by an alley, the developed area of the non-residential site shall be screened with a 6-foot-high solid screen (see Article 2 for definition). Non-residential outdoor storage shall be screened regardless of abutting Zoning District. The County Zoning Inspector may defer the screening if the abutting residentially zoned property is not yet developed with a residential use. In Category D (Rural) Areas, whenever a non-residential use abuts an area designated as Rural Residential (RR), the developed area of the non-residential site shall be screened with a 6-foot-high solid screen; otherwise, screening is not required.

#### **904.06 Alternative Conservation Subdivision Options**

Pursuant to the Cochise County Subdivision Regulations, the Residential Conservation Subdivision option, providing a wider latitude of design, more economical use of land, and density bonuses, is available for the development of residential subdivisions.

### **905 PERMITTED ACCESSORY USES**

Accessory uses are permitted in SR Zoning Districts, provided they are customarily incidental to an established permitted principal use. For residential uses, the following additional accessory uses and buildings shall be permitted:

- 905.01 Recreational Vehicles (RVs) are allowed as follows:
  - A. No permit is required for the storage of no more than two RVs on a parcel.
  - B. Temporary occupancy of one RV in conjunction with permitted principal use for up to six months in a calendar year with a required Temporary Use Permit; stays of 15 consecutive days or less do not require a permit.





- C. Temporary occupancy of RVs in conjunction with the construction of a residential or non-residential permitted principal use. Such occupancy shall be limited to the length of the building permit with a required Temporary Use Permit, subject to procedures in Article 17.
- D. Recreational vehicles accessory to a principal permitted use may not be rented out.
- 905.02 Rooms in the principal dwelling for roomers, not exceeding two such persons per dwelling unit (no permit is required).
- 905.03 One Accessory Living Quarter, subject to the definition in Article 2 and the procedures in Article 17.
- 905.04 Family Cemetery on a minimum parcel of one acre, subject to procedures in Article 18 (informational permit is required).
- 905.05 Home Occupations.
- 905.06 Wind Energy Systems, subject to site development standards in Article 18.
- 905.07 Solar Energy Systems, subject to site development standards in Article 18.

#### **906 SPECIAL USE AUTHORIZATION**

The following land uses require a Special Use Authorization from the Planning Commission in the SR Zoning Districts, subject to the procedures and review criteria set forth in Article 17. If granted, each land use will also require a Non-Residential Use permit.

- 906.01 Welfare and/or Charitable Services.
- 906.02 Day Care Facilities or Establishments.
- 906.03 Educational Services.
- 906.04 Personal and Professional Services.
- 906.05 Health Clinics.
- 906.06 Residential Care Institutions.
- 906.07 Golf Courses subject to the site development standards in Article 18.
- 906.08 Recreational Facilities, Indoor and/or Outdoor.
- 906.09 Cultural, Historic, and/or Nature Exhibits.
- 906.10 Cemeteries.
- 906.11 Civic, Social, Fraternal, and/or Business Associations.
- 906.12 Grocery Stores.
- 906.13 Animal Husbandry Services.
- 906.14 Commercial Plant Nurseries.
- 906.15 Farmers Markets.



# ARTICLE 10

## MR, MULTIPLE-HOUSEHOLD RESIDENTIAL ZONING DISTRICT

### 1001 PURPOSE

MR (Multiple-Household Residential) Zoning Districts are established to achieve the following purposes:

- 1001.01 To provide high-density residential development in locations with adequate infrastructure;
- 1001.02 To allow only those additional uses that are complementary to higher density residential uses.
- 1001.03 To stabilize and protect residential development.

### 1002 DIVISION OF MR ZONING DISTRICTS

The MR (Multiple-Household Residential) Zoning District shall be further divided into the following density districts, which are so designated on the Official Zoning District Map, and subject to the regulations herein:

- 1002.01 MR-1
- 1002.02 MR-2

Existing MR-A, MR-B, and MR-C Zoning Districts shall be subject to the requirements of the MR-1 Zoning District. Existing MH-72, MH-54, MH-36, and MH-18 Zoning Districts shall be subject to the requirements of the MR-2 Zoning District. See Section 1004.01 for minimum site areas and maximum density.

### 1003 PERMITTED PRINCIPAL USES

The following uses shall be permitted in all MR Zoning Districts, provided that they conform to the applicable site development standards for such uses set forth below and meet any other requirements for such uses found in these Zoning Regulations, such as off-site road and drainage improvements.

- 1003.01 MR-1 Single - and Multiple-Household Dwellings excluding Rehabilitated Mobile Homes, Manufactured Homes, and Recreational Vehicles.  
MR-2 Single - and Multiple-Household Dwellings, including Rehabilitated Mobile Homes, Manufactured Homes, Mobile Home Parks, Manufactured Home Parks, and Recreational Vehicle Parks; subject to the maximum densities of Section 1004.01. The standards set forth in Article 18 shall apply.
- 1003.02 Group Quarters.
- 1003.03 Educational Services.
- 1003.04 Utility Installations not otherwise exempted by Article 20, other than Electric Generation Plants, Regional Sewage Treatment Plants, Solid Waste Landfills, or Incinerators.
- 1003.05 Churches or places of religious worship.



- 1003.06 Recreational Facilities, Indoor and/or Outdoor, approved as part of a subdivision review process for subdivision residents and guests only.
- 1003.07 Residential Care Homes.
- 1003.08 Emergency Vehicle Stations not otherwise exempted by Article 20.
- 1003.09 Community Gardens.

#### **1004 SITE DEVELOPMENT STANDARDS**

All uses permitted in MR Zoning Districts shall conform to the following minimum site development standards in addition to the provisions of Article 18:

##### **1004.01 Minimum Site Area and Maximum Density**

<b>District</b>	<b>Minimum Site Area</b>	<b>Maximum Density</b>
MR-1	3,600-square feet	One dwelling per 3,600-square feet
MR-2	3,600-square feet	One dwelling per 3,600-square feet
<b>PREVIOUSLY</b>		
MH-18	1,800-square feet	One dwelling unit per 1,800-square feet
MH-36	3,600-square feet	One dwelling unit per 3,600-square feet
MH-54	5,400-square feet	One dwelling unit per 5,400-square feet
MH-72	7,200-square feet	One dwelling unit per 7,200-square feet

##### **1004.02 Maximum Height**

Principal Structure	40 feet above grade
Accessory structure	20 feet above grade
Wall or fence	8 feet above grade

##### **1004.03 Setbacks, Principal and Accessory Structures/Uses**

The minimum setback shall be measured from the closest point on the property line or the edge of the road travel way to the structure/use, whichever is closer. The minimum required setbacks for permitted uses are:

- A. For those MR Zoning Districts which abut MR, NB, GB, LI, HI, or PD Zoning Districts, the setback shall be a minimum of 7.5-feet. Zero lot lines between townhouses or condominiums within an approved subdivision shall be permitted.
- B. For those MR Zoning Districts which abut RU, R, SM, or SR Zoning Districts, the setback shall be a minimum of 20 feet. Zero lot lines between townhouses or condominiums within an approved subdivision shall be permitted.

##### **1004.04 Maximum Site Coverage**

70- percent.

#### **1004.05 Distance Between Structures**

Except as otherwise provided in these Zoning Regulations, a minimum distance between principal structures shall be 15 feet, 10 feet for multiple-household structures. Nothing herein shall prevent the permanent attachment of principal structures.

#### **1004.06 Screening**

In Category A, B, and C Growth Areas, whenever a non-residential use abuts a residential Zoning District or is separated therefrom by an alley, the developed area of the non-residential site shall be screened with a 6-foot-high solid screen (see Article 2 for definition). Non-residential outdoor storage shall be screened regardless of abutting Zoning District. The County Zoning Inspector may defer the screening if the abutting residentially zoned property is not yet developed with a residential use. In Category D (Rural) Areas, whenever a non-residential use abuts an area designated as Rural Residential (RR), the developed area of the non-residential site shall be screened with a 6-foot-high solid screen; otherwise, screening is not required.

#### **1004.07 Alternative Conservation Subdivision Options**

Pursuant to the Cochise County Subdivision Regulations, the Residential Conservation Subdivision option provides a wider latitude of design, more economical use of land, and density bonuses available for the development of residential subdivisions.

#### **1005 PERMITTED ACCESSORY USES**

Accessory uses are permitted in MR Zoning Districts, provided they are customarily incidental to an established permitted principal use. For residential uses, the following additional accessory uses and buildings shall be permitted:

- 1005.01 Recreational Vehicles (RVs) are allowed as follows:
  - A. No permit is required for the storage of no more than two RVs on a parcel.
  - B. Temporary occupancy of one RV in conjunction with permitted principal use for up to six months in a calendar year with a required Temporary Use Permit; stays of 15 consecutive days or less do not require a permit.
  - C. Temporary occupancy of RVs in conjunction with the construction of a residential or non-residential permitted principal use. Such occupancy shall be limited to the length of the building permit with a required Temporary Use Permit, subject to procedures in Article 17.
  - D. Recreational vehicles accessory to a principal permitted use may not be rented out.
- 1005.02 Rooms in the principal dwelling for roomers, not exceeding two such persons per dwelling unit (no permit is required).
- 1005.03 Family Cemeteries on a minimum parcel of one acre, subject to procedures in Article 18 (Informational permit is required).
- 1005.04 Home Occupations.
- 1005.05 Wind Energy Systems, subject to site development standards in Article 18.

1005.06 Solar Energy Systems, subject to site development standards in Article 18.

#### **1006 SPECIAL USE AUTHORIZATION**

The following land uses require a Special Use Authorization from the Planning Commission in the MR Zoning Districts, subject to the procedures and review criteria set forth in Article 17. If granted, each land use will also require a Non-Residential Use permit.

- 1006.01 Welfare and/or Charitable Services.
- 1006.02 Regional Sewage Treatment Plants.
- 1006.03 Hospitals.
- 1006.04 Cultural, Historic, and/or Nature Exhibits.
- 1006.05 Recreational Facilities, Indoor and/or Outdoor.
- 1006.06 Civic, Social, Fraternal, and/or Business Associations.
- 1006.07 Golf Courses subject to the site development standards in Article 18.
- 1006.08 Cemeteries.
- 1006.09 Grocery Stores.
- 1006.10 Personal and Professional Services.
- 1006.11 Residential Care Institutions.
- 1006.12 Health Clinics.
- 1006.13 Day Care Facilities or Establishments.
- 1006.14 Farmers Markets.

# ARTICLE 11

## NB, NEIGHBORHOOD BUSINESS ZONING DISTRICT

### 1101 PURPOSE

The NB (Neighborhood Business) Zoning District is established to achieve the following purposes:

- 1101.01 To provide areas for small shops, businesses, and service establishments in convenient locations to meet the daily needs of households in surrounding residential areas.
- 1101.02 To preserve the essential neighborhood character of the district by preventing encroachment by more intensive commercial uses by having market areas extending beyond nearby neighborhoods.
- 1101.03 To maintain compatibility between neighborhood-oriented commercial areas and adjacent residential areas.
- 1101.04 To avoid any undue concentration of vehicular traffic in local districts.

### 1202 PERMITTED PRINCIPAL USES

The following uses shall be permitted in the NB Zoning Districts, provided that they conform to the applicable site development standards for such uses set forth below and meet any other requirements for such uses found in these Zoning Regulations, such as off-site road and drainage improvements.

- 1102.01 All Single and Multiple-Household Dwellings, excluding Rehabilitated Mobile Homes.
- 1102.02 Group Quarters.
- 1102.03 Day Care Facilities.
- 1102.04 Day Care Establishments, not to exceed 2,500 square feet of floor area.
- 1102.05 Educational Services.
- 1102.06 All Utility Installations not otherwise exempted by Article 20, other than Electric Generation Plants, Regional Sewage Treatment Plants, and Solid Waste Landfills or Incinerators.
- 1102.07 Churches or places of religious worship.
- 1102.08 Cultural, Historic, and/or Nature Exhibits.
- 1102.09 Civic, Social, Fraternal, and/or Business Associations.
- 1102.10 Personal and Professional Services, not to exceed 2,500 square feet of floor area.
- 1102.11 Recreational Facilities, Indoor and/or Outdoor, not to exceed 2,500 square feet of floor or recreation area.
- 1102.12 Retail Sales/Rentals, not to exceed 2,500 square feet of floor area.



- 1102.13 Restaurants, Bars, Taverns, Nightclubs, and/or Off-Site Winery Tasting Rooms, not to exceed 2,500 square feet of floor area.
- 1102.14 Residential Care Homes.
- 1102.15 Emergency Vehicle Stations not otherwise exempted by Article 20.
- 1102.16 Health Clinics.
- 1102.17 Repair Services, Light, enclosed, not to exceed 2,500 square feet of floor area.
- 1102.18 Farmers Markets.
- 1102.19 Community Gardens.

### **1103 SITE DEVELOPMENT STANDARDS**

All uses permitted in an NB Zoning District shall conform to the following minimum site development standards in addition to the provisions of Article 18:

#### **1103.01 Minimum Site Area and Maximum Density**

Minimum Site Area	Maximum Density
3,600-square feet	One dwelling or principal structure per 3,600-square feet

#### **1103.02 Maximum Height**

Principal Structure	30 feet above grade
Accessory structure	20 feet above grade
Wall or fence	8 feet above grade

#### **1103.03 Setbacks, Principal and Accessory Structures/Uses**

The minimum setback shall be measured from the closest point on the property line or the edge of the road travel way to the structure/use, whichever is closer. The minimum required setbacks for permitted uses shall be 20 feet.

#### **1103.04 Maximum Site Coverage**

65- percent.

#### **1103.05 Distance Between Structures**

Except as otherwise provided in these Zoning Regulations, a minimum distance between principal structures shall be 15 feet, 10 feet for multiple-household structures. Nothing herein shall prevent the permanent attachment of principal structures.



### **1103.06 Screening**

In Category A, B, and C Growth Areas, whenever a non-residential use abuts a residential Zoning District or is separated therefrom by an alley, the developed area of the non-residential site shall be screened with a 6-foot-high solid screen (see Article 2 for definition). Non-residential outdoor storage shall be screened regardless of abutting Zoning District. The County Zoning Inspector may defer the screening if the abutting residentially zoned property is not yet developed with a residential use. In Category D (Rural) Areas, whenever a non-residential use abuts an area designated as Rural Residential (RR), the developed area of the non-residential site shall be screened with a 6-foot-high solid screen; otherwise, screening is not required.

### **1104 PERMITTED ACCESSORY USES**

Accessory uses are permitted in NB Zoning Districts, provided they are customarily incidental to an established permitted principal use. For residential uses, the following additional accessory uses and buildings shall be permitted:

- 1104.01 Recreational Vehicles (RVs) are allowed as follows:
  - A. No permit is required for the storage of no more than two RVs on a parcel.
  - B. Temporary occupancy of one RV in conjunction with permitted principal use for up to six months in a calendar year with a required Temporary Use Permit; stays of 15 consecutive days or less do not require a permit.
  - C. Temporary occupancy of RVs in conjunction with the construction of a residential or non-residential permitted principal use. Such occupancy shall be limited to the length of the building permit with a required Temporary Use Permit, subject to procedures in Article 17.
  - D. Recreational vehicles accessory to a principal permitted use may not be rented out.
- 1103.02 Rooms in the principal dwelling for roomers, not exceeding two such persons per dwelling unit (no permit is required).
- 1104.03 Family Cemeteries on a minimum parcel of one acre, subject to procedures in Article 18 (Informational permit is required).
- 1104.04 Home Occupations.
- 1104.05 Wind Energy Systems, subject to site development standards in Article 18.
- 1104.06 Solar Energy Systems, subject to site development standards in Article 18.

### **1105 SPECIAL USE AUTHORIZATION**

The following land uses require a Special Use Authorization from the Planning Commission in the NB Zoning Districts, subject to the procedures and review criteria set forth in Article 17. If granted, each land use will also require a Non-Residential Use permit.

- 1105.01 Welfare and/or Charitable Services.
- 1105.02 Convenience Stores.
- 1105.03 Regional Sewage Treatment Plants.
- 1105.04 Residential Care Institutions.





- 1105.05 Hospitals.
- 1105.06 Funeral and/or Crematory Services.
- 1105.07 Retail Sales/Rentals, exceeding 2,500 square feet of floor area.
- 1105.08 Restaurants, Bars, Taverns, Nightclubs, and/or Off-site Winery Tasting Rooms.
- 1105.09 Recreational Facilities, Indoor and/or Outdoor, exceeding 2,500 square feet of floor area.
- 1105.10 Cemeteries.
- 1105.11 Golf Courses, subject to the site development standards in Article 18.
- 1105.12 Day Care Establishments.
- 1105.13 Repair Services (enclosed), Large Engines.
- 1105.14 Repair Services (enclosed), Small Engines.
- 1105.15 Communication Towers, subject to site development standards in Article 18.
- 1105.16 Animal Husbandry Services.
- 1105.17 Mini-Warehouses.
- 1105.18 Commercial Plant Nurseries.



# ARTICLE 12

## GB, GENERAL BUSINESS ZONING DISTRICT

### 1201 PURPOSE

The GB (General Business) Zoning District is established to achieve the following purposes:

- 1201.01 To provide appropriate areas for office uses, retail stores, and service establishments in which the market area extends beyond the nearby neighborhoods.
- 1201.02 To provide wholesale or distribution activities in locations with adequate access to major streets and highways.
- 1201.03 To encourage concentrated development of commercial activities for the convenience of the public.
- 1201.04 To provide adequate space to meet the needs of commercial development, with adequate off-street parking and minimal traffic congestion.
- 1201.05 To protect commercial uses from objectionable influences of industrial uses as well as incompatible residential development.

### 1202 PERMITTED PRINCIPAL USES

The following uses shall be permitted in the GB Zoning Districts, provided that they conform to the applicable site development standards for such uses set forth below and meet any other requirements for such uses found in these Zoning Regulations, such as off-site road and drainage improvements.

- 1202.01 Group Quarters.
- 1202.02 Guest Lodging.
- 1202.03 Mobile Home, Manufactured Home, or Recreational Vehicle Parks, subject to site development standards in Article 18.
- 1202.04 Day Care Facilities or Establishments.
- 1202.05 Educational Services.
- 1202.06 Utility Installations not otherwise exempted by Article 20, other than Electric Generation Plants, Regional Sewage Treatment Plants, and Solid Waste Landfills or Incinerators.
- 1202.07 Churches or places of religious worship.
- 1202.08 Welfare and/or Charitable Services.
- 1202.09 Cultural, Historic, and/or Nature Exhibits.
- 1202.10 Civic, Social, Fraternal, and/or Business Associations.
- 1202.11 Hospitals, including Ambulatory Services.
- 1202.12 Personal and Professional Services.
- 1202.13 Banks and/or Banking Services.
- 1202.14 Research and/or Testing Laboratories, enclosed.
- 1202.15 Veterinary Clinics and/or Animal Hospitals.



- 1202.16 Funeral and/or Crematory Services.
- 1202.17 Cemeteries.
- 1202.18 Recreational Facilities, Indoor and/or Outdoor.
- 1202.19 Riding Stables, Commercial, on a minimum site size of 10 acres.
- 1202.20 Gasoline/Service Stations.
- 1202.21 Convenience Stores.
- 1202.22 Grocery Stores.
- 1202.23 Restaurants, Bars, Taverns, and/or Off-site Winery Tasting Rooms.
- 1202.24 Shopping Centers.
- 1202.25 Retail Sales/Rentals.
- 1202.26 Repair Services (enclosed building), Small Engine. Vehicles awaiting repair need not be enclosed or screened.
- 1202.27 Repair Services, Light.
- 1202.28 Contract Construction Services.
- 1202.29 Communications Towers at a maximum height of 40 feet, subject to site development standards in Article 18.
- 1202.30 Parking Lot, Commercial.
- 1202.31 Bus and/or Rail Terminals and Accessory Maintenance Yards and Garages.
- 1202.32 Mini-Warehouses.
- 1202.33 Printing and/or Publishing Businesses.
- 1202.34 Custom Butchering/Meat Curing/Processing with a 100-foot minimum setback.
- 1202.35 Warehousing, Distribution, and Storage of Non-Hazardous Goods, not to exceed 10,000 square feet of floor area.
- 1202.36 Impoundment Storage Yards.
- 1202.37 Single and Multiple Household Dwellings not to exceed a density of one dwelling unit per 3,600-square feet and further provided that the site shall not be considered a residential site. Additional non-residential principal uses shall not be allowed in Manufactured/Mobile Home Parks nor on multiple-household dwelling sites; non-residential uses accessory to the multiple-household use are permitted.
- 1202.38 Residential Care Homes.
- 1202.19 Residential Care Institutions.
- 1202.40 Health Clinics.
- 1202.41 Car Washes.
- 1202.42 Emergency Vehicle Stations not otherwise exempted by Article 20.
- 1202.43 Commercial Plant Nurseries.
- 1202.44 Farmers Markets.
- 1202.45 Community Gardens.



### **1203 SITE DEVELOPMENT STANDARDS**

All uses permitted in GB Zoning Districts shall conform to the following minimum site development standards in addition to the provisions of Article 18:

#### **1203.01 Maximum Height**

Structure	40 feet above grade
Wall or fence	10 feet above grade

#### **1203.02 Setbacks, Principal and Accessory Structures/Uses**

The minimum setback shall be measured from the closest point on the property line or the edge of the road travel way to the structure/use, whichever is closer. The minimum required setbacks for permitted uses are:

- A. For those GB Zoning Districts which abut LI, HI, GB, or NB or PD Zoning Districts, the setback shall be a minimum of 5 feet, except that the structure/use shall maintain a setback of 20 feet from any road travel way and any other setbacks required by building codes. Zero lot lines between townhouses or condominiums within an approved subdivision shall be permitted.
- B. For those GB Zoning Districts which abut RU, R, SR, SM, or MR Zoning Districts, the setback shall be a minimum of 40 feet and 20 feet from any road travel way. Zero lot lines between townhouses or condominiums within an approved subdivision shall be permitted.

#### **1203.03 Maximum Site Coverage**

85- percent.

#### **1203.03 Distance Between Structures**

Except as otherwise provided in these Zoning Regulations, the minimum distance between principal structures shall be 15 feet, 10 feet for multiple-household structures. Nothing herein shall prevent the permanent attachment of principal structures.

#### **1203.05 Screening**

In Category A, B, and C Growth Areas, whenever a non-residential use abuts a residential Zoning District or is separated therefrom by an alley, the developed area of the non-residential site shall be screened with a 6-foot-high solid screen (see Article 2 for definition). Non-residential outdoor storage shall be screened regardless of abutting Zoning District. The County Zoning Inspector may defer the screening if the abutting residentially zoned property is not yet developed with a residential use. In Category D (Rural) Areas, whenever a non-residential use abuts an area designated as Rural Residential (RR), the developed area of the non-residential site shall be screened with a 6-foot-high solid screen; otherwise, screening is not required.

#### **1203.06 Electrical Disturbance and Glare**

No use except a temporary construction operation shall be permitted, which creates harsh, uncomfortably bright light detectable beyond the boundaries of the site. No use shall be permitted which creates electrical disturbances that unreasonably affect the operation of any equipment beyond the boundaries of the site.

#### **1203.07 Noise or Vibration**

No noise or vibration (other than normal vehicular traffic) shall be permitted which is discernible on neighboring residential sites to the unaided human senses for 3-minutes or more duration in any 1-hour of the day between the hours of 7:00 a.m. and 7:00 p.m. or of 30-seconds or more duration in any 1-hour between the hours of 7:00 p.m. and 7:00 a.m.

#### **1203.08 Odors**

No emission of odorous gases or other odorous matter shall be permitted in quantities sufficient to be offensive or to create a nuisance or hazard beyond the site boundaries.

#### **1203.09 Other Nuisances or Emissions Beyond the Site Boundaries**

No emission shall be permitted which can damage health, animals or vegetation, or other forms of property or which can cause any nuisance or hazard.

#### **1204 PERMITTED ACCESSORY USES**

Accessory uses are permitted in GB Zoning Districts, provided they are customarily incidental to an established permitted principal use. Accessory structures may exceed the size of the principal structure, provided that all other site development standards are met. The following additional accessory uses and structures shall be permitted:

- 1204.01 Recreational Vehicles (RVs) are allowed as follows:
  - A. No permit is required for the storage of no more than two RVs on a parcel.
  - B. Temporary occupancy of one RV in conjunction with permitted principal use for up to six months in a calendar year with a required Temporary Use Permit; stays of 15 consecutive days or less do not require a permit.
  - C. Temporary occupancy of RVs in conjunction with the construction of a residential or non-residential permitted principal use. Such occupancy shall be limited to the length of the building permit with a required Temporary Use Permit, subject to procedures in Article 17.
  - D. Recreational vehicles accessory to a principal permitted use may not be rented out.
- 1204.02 Rooms in the principal dwelling for roomers, not exceeding two such persons per dwelling unit (no permit is required).
- 1204.03 Home Occupations.
- 1204.04 Wind Energy Systems, subject to site development standards in Article 18.
- 1204.05 Solar Energy Systems, subject to site development standards in Article 18.



## **1205 SPECIAL USE AUTHORIZATION**

The following land uses require a Special Use Authorization from the Planning Commission in the GB Zoning Districts, subject to the procedures and review criteria set forth in Article 17. If granted, each land use will also require a Non-Residential Use permit.

- 1205.01 Manufacturing, Wholesaling, Warehousing, Distribution, and/or Storage of Goods.
- 1205.02 Zoos and/or other Outdoor Animal Exhibits.
- 1205.03 Fairgrounds and/or Amusement Parks.
- 1205.04 Animal Husbandry Services.
- 1205.05 Motion Picture Production Sites/Studio.
- 1205.06 Recycling Centers.
- 1205.07 Offender Rehabilitation Facilities.
- 1205.08 Jails, Prisons, and/or Detention Centers.
- 1205.09 Swap Meets.
- 1205.10 Repair Services, Large Engines.
- 1205.11 Repair Services (unenclosed), Small Engines.
- 1205.12 Communications Towers exceeding 40 feet in height, subject to site development standards in Article 18.
- 1205.13 Regional Sewage Treatment Plants.
- 1205.14 Truck Stops.
- 1205.15 Golf Courses subject to the site development standards in Article 18.
- 1205.16 Solar Energy Power Plants, subject to site development standards in Article 18.
- 1205.17 Wind Energy Power Plants subject to site development standards in Article 18.
- 1205.18 Marijuana Cultivation Facility.
- 1205.19 Marijuana Establishment.
- 1205.20 Marijuana Establishment Cultivation Facility.
- 1205.21 Marijuana Infusion Facility.
- 1205.21 Marijuana Testing Facility
- 1205.23 Custom Butchering/Meat Curing/Processing with less than a 100-foot minimum setback.



# ARTICLE 13

## LI, LIGHT INDUSTRY ZONING DISTRICT

### 1301 PURPOSE

The LI (Light Industry) Zoning District is established to achieve the following purposes:

- 1301.01 To encourage the establishment of light industrial uses in locations that are suitable and appropriate, taking into consideration land uses on adjacent and nearby properties, access to major streets and highways, rail services and other means of transportation, and availability of public utilities.
- 1301.02 To encourage manufacturing uses that can be operated in a relatively clean, quiet, and safe manner, without producing objectionable effects that would impose hazards to adjacent and nearby properties by reason of smoke, soot, dust, odor, radiation, noise, vibrations, heat, glare, toxic fumes, or other conditions that would adversely affect the public health, safety, convenience, and general welfare.
- 1301.03 To allow heavy commercial but not residential uses compatible with light industrial uses.

### 1302 PERMITTED PRINCIPAL USES

The following uses shall be permitted in the LI Zoning Districts, provided that they conform to the applicable site development standards for such uses set forth below and meet any other requirements for such uses found in these Zoning Regulations, such as off-site road and drainage improvements.

- 1302.01 Educational Services.
- 1302.02 Utility Installations not otherwise exempted by Article 20, other than Regional Sewage Treatment Plants, Electric Generation Plants, and Solid Waste Landfills or Incinerators.
- 1302.03 Churches or places of religious worship.
- 1302.04 Banks and/or Banking Services.
- 1302.05 Personal and Professional Services.
- 1302.06 Research and/or Testing Laboratories.
- 1302.07 Veterinary Clinics and/or Animal Hospitals.
- 1302.08 Animal Husbandry Services.
- 1302.09 Recreational Facilities, Indoor and/or Outdoor.
- 1302.10 Convenience Stores.
- 1302.11 Riding Stables, Commercial, on a minimum site of 10 acres.
- 1302.12 Retail Sales/Rentals.
- 1302.13 Gasoline/Service Stations.
- 1302.14 Restaurants, Bars, Taverns, Nightclubs, and/or Off-site Winery Tasting Rooms.
- 1302.15 Swap Meets.
- 1302.16 Repair Services, Large Engines.
- 1302.17 Repair Services, Light.



- 1302.18 Repair Services, Small Engines.
- 1302.19 Contract Construction Services.
- 1302.20 Communications Towers at a maximum height of 199 feet, subject to site development standards in Article 18.
- 1302.21 Parking Lot, Commercial.
- 1302.22 Bus, Rail, and/or Truck Terminals, and accessory maintenance yards and garages.
- 1302.23 Manufacturing, Wholesaling, Warehousing, Distribution, and/or Storage of Goods.
- 1302.24 Motion Picture Production Sites/Studios.
- 1302.25 Printing and/or Publishing Businesses.
- 1302.26 Custom Butchering/Meat Curing/Processing.
- 1302.27 Mini-Warehouses.
- 1302.28 Hospitals, including Ambulatory Services.
- 1302.29 Funeral and/or Crematory Services.
- 1302.30 Recycling Centers.
- 1302.31 Cultural, Historic, and/or Nature Exhibits.
- 1302.32 Welfare and/or Charitable Services.
- 1302.33 Impoundment Storage Yards.
- 1302.34 Zoos and/or other animal exhibits.
- 1302.35 Fairgrounds and/or Amusement Parks.
- 1302.36 Truck Stops.
- 1302.37 Emergency Vehicle Stations not otherwise exempted by Article 20.
- 1302.38 Recycling/Solid Waste Transfer Facilities.
- 1302.39 Commercial Plant Nurseries.
- 1302.40 Car Wash.
- 1302.41 Anemometers, with temporary use permit, not to exceed three years.
- 1302.42 Agricultural-Processing with a 300-foot minimum setback.
- 1302.43 Slaughterhouses/Meat Packing Plants with a 300-foot minimum setback.
- 1302.44 Farmers Markets.
- 1302.45 Community Gardens.
- 1302.46 Solar Energy Power Plants, subject to site development standards in Article 18.

### **1303 SITE DEVELOPMENT STANDARDS**

All uses permitted in LI Zoning Districts shall conform to the following minimum site development standards in addition to the provisions of Article 18:

#### **1303.01 Maximum Height**

Structure	40 feet above grade (except communication tower)
Wall or fence	10 feet above grade





### **1303.02 Setbacks, Principal and Accessory Structures/Uses**

The minimum setback shall be measured from the closest point on the property line or the edge of the road travel way to the structure/use, whichever is closer. The minimum required setbacks for permitted uses are:

- A. For those LI Zoning Districts which abut LI, HI, GB, or PD Zoning Districts, the setback shall be a minimum of 5 feet, except that the structure/use shall maintain a setback of 20 feet from any road travel way and any other setbacks required by building codes.
- B. For those LI Zoning Districts which abut RU, R, SR, SM, NB, or MR Zoning Districts, the setback shall be a minimum of 80 feet and 20 feet from any road travel way.

### **1303.03 Maximum Site Coverage**

85- percent.

### **1303.04 Distance Between Structures**

Except as otherwise provided in these Zoning Regulations, the minimum distance between structures shall be 15 feet, 10 feet for multiple-household structures. Nothing herein shall prevent the permanent attachment of principal structures.

### **1303.05 Screening**

In Category A, B, and C Growth Areas, whenever a non-residential use abuts a residential Zoning District or is separated therefrom by an alley, the developed area of the non-residential site shall be screened with a 6-foot-high solid screen (see Article 2 for definition). Non-residential outdoor storage shall be screened regardless of abutting Zoning District. The County Zoning Inspector may defer the screening if the abutting residentially zoned property is not yet developed with a residential use. In Category D (Rural) Areas, whenever a non-residential use abuts an area designated as Rural Residential (RR), the developed area of the non-residential site shall be screened with a 6-foot-high solid screen; otherwise, screening is not required.

### **1303.06 Electrical Disturbance and Glare**

No use except a temporary construction operation shall be permitted, which creates harsh, uncomfortably bright light detectable beyond the boundaries of the site. No use shall be permitted which creates electrical disturbances that affect the operation of any equipment beyond the boundaries of the site.

### **1303.07 Noise or Vibration**

No noise or vibration (other than normal vehicular traffic) shall be permitted which is discernible on neighboring residential sites to the unaided human senses for three minutes or more duration in any one hour of the day between the hours of 7:00 a.m. to 7:00 p.m. or of 30-seconds or more duration in any one hour during the hours of 7:00 p.m. and 7:00 a.m.

### **1303.08 Odors**

No emission of odorous gases or other odorous matter shall be permitted in quantities sufficient to be offensive or to create a nuisance or hazard beyond the site boundaries.



### **1303.09 Other Nuisances or Emissions Beyond the Site Boundaries**

No emission shall be permitted which can damage health, animals or vegetation, or other forms of property or which can cause any nuisance or hazard beyond the site boundaries.

### **1304 PERMITTED ACCESSORY USES**

Accessory uses are permitted in LI Zoning Districts, provided they are customarily incidental to an established permitted principal use. Accessory structures may exceed the size of the principal structure, provided that all other site development standards are met. The following additional accessory uses and structures shall be permitted:

- 1304.01 One dwelling or recreational vehicle for the family or employees of the owner/operator or caretaker of the site of principal use.
- 1304.02 Recreational Vehicles (RVs) are allowed as follows:
  - A. No permit is required for the storage of no more than two RVs on a parcel.
  - B. Temporary occupancy of one RV in conjunction with permitted principal use for up to six months in a calendar year with a required Temporary Use Permit; stays of 15 consecutive days or less do not require a permit.
  - C. Temporary occupancy of RVs in conjunction with the construction of a residential or non-residential permitted principal use. Such occupancy shall be limited to the length of the building permit with a required Temporary Use Permit, subject to procedures in Article 17.
  - D. Recreational vehicles accessory to a principal permitted use may not be rented out.
- 1304.03 Wind Energy Systems, subject to site development standards in Article 18.
- 1304.04 Solar Energy Systems, subject to site development standards in Article 18.

### **1305 SPECIAL USE AUTHORIZATION**

The following land uses require a Special Use Authorization from the Planning Commission in the LI Zoning Districts, subject to the procedures and review criteria set forth in Article 17. If granted, each land use will also require a Non-Residential Use permit.

- 1305.01 Cemeteries.
- 1305.02 Offender Rehabilitation Facilities.
- 1305.03 Jails, Prisons, and/or Detention Centers.
- 1305.04 Solid Waste Landfills or Incinerators.
- 1305.05 Regional Sewage Treatment Plants.
- 1305.06 Electrical Generating Plants.
- 1305.07 Airports, Airstrips, Helipads, and/or Heliports.
- 1305.08 Wind Energy Power Plants subject to site development standards in Article 18.



- 1305.09 Communications Towers exceeding 199 feet in height, subject to site development standards in Article 18.
- 1305.10 Marijuana Cultivation Facility.
- 1305.11 Marijuana Establishment.
- 1305.12 Marijuana Establishment Cultivation Facility.
- 1305.13 Marijuana Infusion Facility.
- 1305.14 Marijuana Testing Facility.
- 1305.15 Commercial Feedlots.
- 1305.16 Agricultural-Processing with less than a 300-foot minimum setback.
- 1305.17 Slaughterhouses/Meat Packing Plants with less than a 300-foot minimum setback.



# ARTICLE 14

## HI, HEAVY INDUSTRY ZONING DISTRICT

### 1401 PURPOSE

The HI (Heavy Industry) Zoning District is established:

- 1401.01 To encourage the establishment of heavy industrial uses in locations that are suitable and appropriate, taking into consideration land uses on adjacent and nearby properties, adequacy of access to major streets and highways, rail services and other means of transportation, and availability of public utilities.
- 1401.02 To allow within safe limits industrial uses and structures having physical characteristics which may be offensive.

### 1402 PERMITTED PRINCIPAL USES

The following uses shall be permitted in the HI Zoning Districts, provided that they conform to the applicable site development standards for such uses set forth below and meet any other requirements for such uses found in these Zoning Regulations, such as off-site road and drainage improvements.

- 1402.01 Utility Installations not otherwise exempted by Article 20, other than Electric Generation Plants; Regional Sewage Treatment Plants; and Solid Waste Landfills or Incinerators.
- 1402.02 Research and/or Testing Laboratories.
- 1402.03 Veterinary Clinics and/or Animal Hospitals.
- 1402.04 Animal Husbandry Services.
- 1402.05 Repair Services, Large Engines.
- 1402.06 Repair Services, Light
- 1402.07 Repair Services, Small Engines.
- 1402.08 Contract Construction Services.
- 1402.09 Communications Towers, subject to site development standards in Article 18.
- 1402.10 Bus, Rail, and/or Truck Terminals, and Accessory Maintenance Yards and Garages.
- 1402.11 Commercial Feedlots, Stockyards, and/or Livestock Auction Barns with a 300-foot minimum setback.
- 1402.12 Manufacturing, Wholesaling, Warehousing, Distribution, and/or Storage of Goods.
- 1402.13 Agricultural-Processing with a 300-foot minimum setback.
- 1402.14 Custom Butchering/Meat Curing/Processing.
- 1402.15 Jails, Prisons, and/or Detention Centers.
- 1402.16 Offender Rehabilitation Facilities.



- 1402.17 Recycling Centers.
- 1402.18 Impoundment Storage Yards.
- 1402.19 Motion Picture Production Sites/Studios.
- 1402.20 Parking Lot, Commercial.
- 1402.21 Printing and/or Publishing Businesses.
- 1402.22 Gasoline/Service Stations.
- 1402.23 Banks and/or Banking Services.
- 1402.24 Personal and Professional Services.
- 1402.25 Truck Stops.
- 1402.26 Emergency Vehicle Stations not otherwise exempted by Article 20.
- 1402.27 Funeral and/or Crematory Services.
- 1402.28 Restaurants, Bars, Taverns, Nightclubs, and/or Off-site Winery Tasting Rooms
- 1402.29 Recycling/Solid Waste Transfer Facilities.
- 1402.30 Carwash.
- 1402.31 Anemometers, with temporary use permit, not to exceed three years.
- 1402.32 Slaughterhouses/Meat Packing Plants with a 300-foot minimum setback.
- 1402.33 Commercial Plant Nurseries.
- 1402.34 Cemeteries.
- 1402.35 Recreation Facilities, Indoor and/or Outdoor.
- 1402.36 Solar Energy Power Plants, subject to site development standards in Article 18.

### **1403 SITE DEVELOPMENT STANDARDS**

All uses permitted in HI Zoning Districts shall conform to the following minimum site development standards in addition to the provisions of Article 18:

#### **1403.01 Maximum Height**

Structure	50 feet above grade (except communication tower)
Wall or fence	15 feet above grade

#### **1403.02 Setbacks, Principal and Accessory Structures/Uses**

The minimum setback shall be measured from the closest point on the property line or the edge of the road travel way to the structure/use, whichever is closer. The minimum required setbacks for permitted uses are:

- A. For those HI Zoning Districts which abut HI, LI, or PD Zoning Districts, the setbacks shall be a minimum of 5 feet, except that the structure/use shall maintain a setback of 20 feet from any road travel way and any other setbacks required by building codes.
- B. For those HI Zoning Districts which abut RU, R, SR, SM, NB, MR, or GB Zoning Districts, the setback shall be a minimum of 100 feet and 20 feet from any road travel way.



### **1303.03 Maximum Site Coverage**

85- percent.

### **1403.04 Distance Between Structures**

Except as otherwise provided in these Zoning Regulations, the minimum distance between structures shall be 15 feet, 10 feet for multiple-household structures. Nothing herein shall prevent the permanent attachment of principal structures.

### **1403.05 Screening**

Whenever a non-residential use abuts a residential Zoning District or is separated therefrom by an alley, the developed area of the non-residential site shall be screened with a 6-foot-high solid screen (see Article 2 for definition). The County Zoning Inspector may defer the screening if the abutting residentially zoned property is not yet developed with a residential use.

### **1403.06 Electrical Disturbance and Glare**

No use except a temporary construction operation shall be permitted, which creates harsh, uncomfortably bright light detectable beyond the boundaries of the site. No use shall be permitted which creates electrical disturbances that unreasonably affect the operation of any equipment beyond the boundaries of the site.

### **1403.07 Noise or Vibration**

No noise or vibration (other than normal vehicular traffic) shall be permitted which is discernible on neighboring residential sites to the unaided human senses for 3-minutes or more duration in any one- hour of the day between the hours of 7:00 a.m. to 7:00 p.m. or of 30-seconds or more duration in any one-hour during the hours of 7:00 p.m. and 7:00 a.m.

### **1403.08 Odors**

No emission of odorous gases or other odorous matter shall be permitted in quantities sufficient to be offensive or to create a nuisance or hazard beyond the site boundaries.

### **1403.09 Other Nuisances or Emissions Beyond the Site Boundaries**

No emission shall be permitted which can damage health, animals or vegetation, or other forms of property, or which can cause any nuisance or hazard.

## **1404 PERMITTED ACCESSORY USES**

Accessory uses are permitted in the HI Zoning District, provided they are customarily incidental to an established permitted principal use. Accessory structures may exceed the size of the principal structure, provided that all other site development standards are met.

1404.01 One dwelling or recreational vehicle for the family or employees of the owner/operator or caretaker of the site of principal use.

1404.02 Recreational Vehicles (RVs) are allowed as follows:

- A. No permit is required for the storage of no more than two RVs on a parcel.
- B. Temporary occupancy of one RV in conjunction with permitted principal use for up to six months in a calendar year with a required Temporary Use Permit; stays of 15 consecutive days or less do not require a permit.
- C. Temporary occupancy of RVs in conjunction with the construction of a residential or non-residential permitted principal use. Such occupancy shall be limited to the length of the building permit with a required Temporary Use Permit, subject to procedures in Article 17.
- D. Recreational vehicles accessory to a principal permitted use may not be rented out.

1404.03 Wind Energy Systems, subject to site development standards in Article 18.

1404.04 Solar Energy Systems, subject to site development standards in Article 18.

#### **1405 SPECIAL USE AUTHORIZATION**

The following land uses require a Special Use Authorization from the Planning Commission in the HI Zoning Districts, subject to the procedures and review criteria set forth in Article 17. If granted, each land use will also require a Non-Residential Use permit.

- 1405.01 Electrical Generation Plants.
- 1405.02 Regional Sewage Treatment Plants.
- 1405.03 Solid Waste Landfills or Incinerators
- 1405.04 Manufacturing, Wholesaling, Warehousing, Distribution, or Storage of Materials that are inflammable, explosive, hazardous, or that create offsite impacts, such as dust, noise, smoke, or odors.
- 1405.05 Airports, Airstrips, Helipads, and/or Heliports.
- 1405.06 Junkyards.
- 1405.07 Slaughterhouses/Meat Packing Plants with less than a 300-foot minimum setback.
- 1405.08 Wind Energy Power Plants, subject to site development standards in Article 18.
- 1405.09 Commercial Feedlots, Stockyards, and/or Livestock Auction Barns with less than a 300-foot minimum setback.
- 1405.10 Agricultural-Processing with less than a 300-foot minimum setback.
- 1405.11 Marijuana Establishment.
- 1405.12 Marijuana Establishment Cultivation Facility.
- 1405.13 Marijuana Infusion Facility.
- 1405.14 Marijuana Testing Facility.



# ARTICLE 15

## PD, PLANNED DEVELOPMENT DISTRICT

### 1501 PURPOSE

To permit the creation of PD (Planned Development) Districts, where the uses and structures proposed are to be planned and developed as units or phases, and which will facilitate mixed-use development. The provision for Planned Development Districts and the regulations adapted to such unified planning and development is intended to promote economical and efficient land use, an improved level of amenities, appropriate and harmonious variety in physical development, creative design, and a well-planned urban environment. Future development must be in substantial conformance with the Master Development Plan required for approval of a new PD district.

### 1502 PERMITTED PRINCIPAL USES

The following uses are permitted in the PD (Planned Development) District:

- 1502.01 All Single-Household Dwelling units, including Manufactured Homes, excluding Rehabilitated Mobile Homes and Recreational Vehicles.
- 1502.02 Multiple-Household Dwellings.
- 1502.03 Group Quarters.
- 1502.04 Manufactured Home Parks, subject to site development standards in Article 18.
- 1502.05 Recreational Vehicle Parks, subject to site development standards in Article 18.
- 1502.06 Guest Lodging.
- 1502.07 Educational Services.
- 1502.08 Day Care Facilities or Establishments.
- 1502.09 Utility Installations not otherwise exempted by Article 20, other than Electric Generation Plants, Regional Sewage Treatment Plants, and Solid Waste Landfills or Incinerators.
- 1502.10 Churches or places of religious worship.
- 1502.11 Welfare and/or Charitable Services.
- 1502.12 Personal and Professional Services.
- 1502.13 Veterinary Clinics and/or Animal Hospitals.
- 1502.14 Cultural, Historic, and/or Nature Exhibits.
- 1502.15 Golf Courses subject to site development standards in Article 18.
- 1502.16 Recreational Facilities, Indoor and/or Outdoor.
- 1502.17 Retail Sales/Rentals.
- 1502.18 Home Occupations.





- 1502.19 Funeral and/or Crematory Services.
- 1502.20 Cemeteries.
- 1502.21 Civic, Social, Fraternal, and/or Business Associations.
- 1502.22 Printing and/or Publishing Businesses.
- 1502.23 Bus and Rail Terminals and Accessory Maintenance Yards and Garages.
- 1502.24 Parking Lot, Commercial.
- 1502.25 Mini-Warehouses.
- 1502.26 Contract Construction Services.
- 1502.27 Custom Butchering/Meat Curing/Processing.
- 1502.28 Swap Meets.
- 1502.29 Shopping Centers.
- 1502.30 Gasoline/Service Stations.
- 1502.31 Research and/or Testing Laboratories.
- 1502.32 Repair Services, Large Engines.
- 1502.33 Repair Services, Light.
- 1502.34 Repair Service, Small Engines.
- 1502.35 Manufacturing, Wholesaling, Warehousing, Distribution, or Storage of Goods.
- 1502.36 Jails, Prisons, and/or Detention Centers.
- 1502.37 Motion Picture Production Sites/Studios.
- 1502.38 Restaurants, Bars, Taverns, Nightclubs, and/or Off-Site Winery Tasting Rooms.
- 1502.39 Fairgrounds and/or Amusement Parks.
- 1502.40 Residential Care Homes.
- 1502.41 Residential Care Institutions.
- 1502.42 Offender Rehabilitation Facilities.
- 1502.43 Agricultural Processing Services.
- 1502.44 Zoos and/or other animal exhibits.
- 1502.45 Recycling Centers.
- 1502.46 Communications Towers, subject to site development standards in Article 18.
- 1502.47 Truck Stops.
- 1502.48 Commercial Plant Nurseries.
- 1502.49 Heliports, Helipads, Airports, and/or Airstrips designed to serve the development.
- 1502.50 Anemometers, with temporary use permit, not to exceed three years.
- 1502.51 Wind Energy Systems (as Accessory Uses), subject to site development standards in Article 18.
- 1502.52 Animal Husbandry Services.
- 1502.53 Solar Energy Systems (as Accessory Uses), subject to site development standards in Article 18.
- 1502.54 Solar Energy Power Plants, subject to site development standards in Article 18.
- 1502.55 Community Gardens.
- 1502.56 Hospitals.



### **1503 SITE DEVELOPMENT STANDARDS**

In all planned developments, the site will be designed to minimize adverse effects of or on land uses adjacent to the development; minimize impacts upon community facilities and services; prevent undue hazards to people or property on or off-site from traffic, flooding, erosion, subsidence, soil slipping, water adequacy, and other dangers, annoyances or inconveniences; and protect the visual and physical characteristics of the site by considering any prominent natural features, vegetation, drainage ways, and slopes. Except as expressly modified below, the site development standards stated in Article 18 shall be applicable, unless modified by the Board of Supervisors, based on a specific determination that any such modification will not adversely affect the public health, safety, and general welfare.

#### **1503.01 Minimum Development Area**

The minimum area for a PD District shall be 10 acres.

#### **1503.02 Density**

Maximum densities shall not be restricted, provided that the proposed infrastructure and improvements will adequately handle the proposed number of residential units.

#### **1503.03 Site Coverage and Design**

Site coverage shall be flexible to encourage innovative site design but shall not encroach upon required perimeter setbacks or open space. Site coverage ratios for similar uses in other Zoning Districts shall generally be used as guides to appropriate site coverage ratios in the proposed PD District. The site design shall be evaluated in terms of integrated use of open space, drainage, topography, vehicular and pedestrian circulation, and internal use relationships.

#### **1503.04 Setbacks**

Setbacks from the perimeter of the PD District for all uses shall be a minimum of 40 feet unless other means, including site design, building design, screening, landscaping, and open space, are provided to alleviate potential land use conflicts. The County Zoning Inspector may modify this requirement if, in his opinion, adequate alternatives are provided. If there is a substantial disparity between uses in the PD District and adjacent existing uses, the County Zoning Inspector may increase the perimeter setback.

Setbacks for structures and uses from road travel ways and lot boundaries within the PD District shall be specified in the master development plan but should approximate the setbacks required in Zoning Districts with comparable densities and uses unless otherwise approved.

#### **1503.05 Open Space**

Development under this provision is intended to provide the following:

- A. An innovative site planning design in harmony with the natural features and constraints of specific sites.
- B. More cost-effective development due to decreased grading and more efficient servicing of the development with utilities, roads, and other essential services; and



C. Open space for private or community purposes.

1. Open Space Definition

For the purposes of this Section, open space is that area of land not occupied by buildings, towers, walls, billboards, or man-made impervious surfaces that is set aside or reserved in perpetuity for the use of the public or the occupants of the PD District. It shall be an integral part of the design within the boundaries of the development. The open space calculation shall not include any public or private roads accessing the lots, road right-of-way, outdoor storage areas, junkyards, or golf courses. Historic sites and paths or trails not intended for vehicular access to lots may be included in the open space. If the open space is to be used for agriculture, accessory agricultural structures or roads may be included in the open space.

2. Open Space Ownership and Control

The open space shall be either in private ownership or owned by a property owners' association and shall be protected by covenants and restrictions satisfactory to the Planning Commission and the Board of Supervisors.

3. Minimum Open Space Area – Residential

At least 50 percent of the gross area of any residential portion(s) of the proposed PD Zoning District shall be retained as Open Space. The location of the Open Space shall be delineated in the master development plan, and a reference is made to the intended purpose, maintenance, and ownership of the open space. Open space for recreational purposes shall be designed and located to be convenient for the use of the residents of the development.

4. Minimum Open Space Area – Non-Residential Uses

At least 10 percent of the gross area of any non-residential portion(s) of the proposed PD Zoning District shall be retained as Open Space. The location of the Open Space shall be delineated in the master development plan, and a reference is made to the intended purpose, maintenance, and ownership of the open space.

5. Hillsides

Any areas of slope greater than 15 percent shall be left as open space.

6. Washes

Washes will remain undisturbed to the extent feasible, and the number of crossings minimized to those deemed necessary for general circulation within the development. All development within washes will comply with County Highway and Floodplain regulations and other applicable State and Federal laws.

**1503.06 Non-Residential Uses in PD Districts**

A predominantly residential PD District should be designed to provide non-residential services for the use of the development's residents and guests to minimize potential off-site average daily traffic.

**1503.07 Sanitary Sewer and Water Systems**

No building permits shall be issued for development within a PD Zoning District until provisions have been made for connection onto community water and sanitary sewer systems or some other Arizona

Department of Environmental Quality-approved waste disposal system. Conventional septic systems may be used if a community sanitary sewer system is not feasible.

#### **1503.08 Access, Circulation, and Street Improvements**

**A. Collector or Arterial Access**

A PD Zoning District shall have external access to at least one publicly maintained collector or arterial street. The site shall be designed to discourage direct access to a predominantly residential street outside of the development. One additional external access to a collector or arterial street improved to minimum County standards is encouraged to improve overall circulation and provide emergency access.

**B. Street Improvement Standards**

All streets within a PD District shall be improved to minimum County standards, sufficient to handle anticipated traffic.

**C. Design of Vehicular Circulation Systems**

Streets and drives shall provide safe and convenient access to uses within the district but shall not be designed in a manner that encourages outside traffic to use the residential streets within the district. Traffic calming devices are encouraged on local streets. Streets shall not occupy more land than is required to provide access as indicated, nor create unnecessary fragmentation of the development into small blocks.

Principal vehicular access points shall be designed to encourage smooth traffic flow with controlled turning movements and minimum hazards to vehicular or pedestrian traffic. Merging and turnout lanes and/or traffic dividers shall be required where existing or anticipated heavy flows indicate a need. Access from off-street parking and service areas within the development may be made directly to local streets. Vehicular access to other streets from off-street parking and service areas shall be combined, limited, located, designed and controlled so as to channel traffic from and to such areas conveniently, safely, and in a manner that minimizes marginal traffic friction and promotes free traffic flow on streets without excessive interruptions.

**D. Design of Pedestrian Circulation Systems**

An integrated pedestrian system is required. If appropriate, bicycle and equestrian paths may be integrated into this system as well. The system shall form logical, safe, and convenient pedestrian access to all dwelling units, project facilities, recreational open spaces, and principal off-site pedestrian destinations. Walkways to be used by substantial numbers of children as play areas or routes to school or other destinations shall be located and safeguarded to minimize contact with normal automotive traffic. Street crossings shall be held to a minimum on such walkways, located and designed to provide safety and appropriately marked and otherwise safeguarded. Pedestrian ways, appropriately located, designed, and constructed, may be combined with other easements and used by emergency or utility vehicles but shall not be used by other automotive traffic. Pedestrian ways, equestrian and bicycle paths shall be, to the maximum extent, feasible, separate, and protected from vehicular access points. Where there are crossings of such ways and vehicular routes, such crossings shall be safely located, marked, and controlled, and where such ways are exposed to substantial vehicular traffic, safeguards may be required to prevent crossings except at designated points. Bicycle

and/or equestrian paths shall be designated, so that street crossings are minimized.

#### **1503.09 Screening**

##### **A. Perimeter Screening**

Screening, as defined in Article 2, shall be required along the exterior boundaries of all planned developments where a proposed non-residential use abuts a residential Zoning District unless this protection is provided by other means. Where a developer demonstrates that the natural terrain or site design features – such as placement of structures, uses, open space, landscaping, streets, and walkways – fulfill the need for visual protection and physical separation between sites, screening requirements shall be waived.

##### **B. Interior Screening**

Screening shall be required within PD Districts as necessary to minimize the visual impact of non-residential uses on the residential portions of the development unless the developer demonstrates that other design features will fulfill that purpose and used by emergency or utility vehicles but shall not be used by other automotive traffic.

#### **1503.10 Landscaping**

Landscaping shall be required in PD Districts as necessary to serve the expressed intent of Article 18. Single-household dwelling sites shall be exempt. At a minimum, perimeter setback areas along roads abutting the development shall be landscaped, and non-residential sites within the PD District shall be landscaped in a manner consistent with the standards described in Article 18. Landscaping shall consist primarily of drought-tolerant species and make the best use of low-water-use native vegetation, as well as adhere to the principles of xeriscaping.

#### **1503.11 Maximum Structure Height**

The maximum height of all structures in the PD Zoning District may extend to 50 feet above grade, provided that:

- A. The site is designed so that structures in excess of 40 feet have a minimum setback from exterior site boundaries that is equal to or greater than the height of the structure and so that no such structure obstructs a scenic view from adjoining developed properties or public right-of-way.
- B. The site design includes sufficient setbacks and open spaces to provide adequate light and air to all uses within the development and to prevent obstruction of solar access on surrounding sites.
- C. Structures proposed at heights greater than 50 feet above grade, such as communication towers, must be approved through the master development plan process.
- D. Accessory Wind Energy Systems in the PD Zoning District shall be subject to height limits and other site development standards as found in Article 18.

### **1503.12 Minimum Distance Between Structures**

The minimum distance between principal structures shall generally be 15 feet, except that the Zoning Inspector may approve a smaller separation when site and building design provide adequate light, air, privacy, and fire safety.

### **1504 PROCEDURES FOR PLANNED DEVELOPMENT ZONING AMENDMENTS AND PLAN APPROVAL**

Planned Development proposals shall be presented in two stages: (1) a pre-application conference; and (2) the submission of a master development plan and Rezoning application.

#### **1504.01 Pre-Application Conference**

A pre-application conference is mandatory for all PD amendments. The Applicant will discuss the proposed development with the Planning Department staff, Highway and Floodplain Department staff, and other interested agencies. The County Zoning Inspector will be responsible for inviting these departments to a joint meeting. At this meeting, the Applicant will submit the general outlines of the proposal and sketch plans as indicated below. After the pre-application conference, the Planning Department staff will furnish the Applicant with written comments regarding the proposal. These comments will include any appropriate recommendations to inform and assist the Applicant prior to preparing the Planned Development application. After the Applicant has identified the scope of the proposed project at this conference, County staff will identify governmental departments and agencies that will be involved in the subsequent review process, determine what studies and reports will be necessary to adequately assess the proposal, and establish the number of copies of all plans and reports which will be required. The Applicant is required to provide the following information for the pre-application conference:

- A. Data concerning site conditions; land characteristics; community facilities including streets, water and power, schools, and sewage disposal; other general information about land uses within one-half mile of the proposed development.
- B. A sketch showing the proposed location of land uses, major streets, and any other significant features.

#### **1504.02 Master Development Plan and Rezoning Application**

- A. Master Development Plan Submittal

After the pre-application conference and receipt of the staff's comments, the Applicant may submit an application for a Rezoning to a Planned Development District, as set forth in Article 22, in the same manner as for other amendments of Zoning District classifications. Materials submitted with the Rezoning application shall include: the proposed master development plan, as set forth in Article 4, including a specific demonstration of compliance with the applicable site development standards, a Public Participation Report as required in Article 4 of these Zoning Regulations, and all appropriate fees. The master development plan and Zoning District amendment application shall

B. Review of Master Development Plan and Report(s)

After the materials specified in Paragraph A above have been submitted to the Planning Department, staff will review the application, the master development plan, and the report. The Applicant will be notified in writing of any deficiencies in the design of the development, the requested reports, and information, or any other submittals. When the County Zoning Inspector determines that the plan conforms with all applicable development standards, or that appropriate waivers have been requested, and that the Applicant has submitted all the required documents in the appropriate form, he or she will schedule a public hearing before the Planning Commission for the next available meeting.

C. Planning Commission Hearing, Zoning Amendments, and Master Development Plan

1. The County Zoning Inspector shall forward the complete application to the Planning Commission for a public hearing. Notice of this hearing shall be posted and advertised as set forth in Article 22 of these Zoning Regulations. The Planning Commission shall review the master development plan for conformance with submittal requirements and the applicable site development standards. The Planning Commission may recommend modifications of the site development standards consistent with the provisions of Article 15.
2. Based upon specific findings to be adopted by the Planning Commission, the Planning Commission shall recommend to the Board of Supervisors that the proposed PD Zoning District amendment and the accompanying master development plan:
  - a. Be approved unconditionally, without modification; or
  - b. Be approved conditionally, with approval conditioned upon certain revisions to the master development plan or other appropriate requirements, including scheduled improvements or limits on types of permitted uses; or
  - c. Be denied, based upon the specific findings included with this recommendation.

D. Board of Supervisors Hearing

1. The Board of Supervisors shall consider this application in the same manner as other Zoning District amendments, as set forth in Article 22, together with the proposed master development plan. If the proposal constitutes a “major amendment,” as defined in Article 4 of these Zoning Regulations, it shall be presented at the time and in the manner required for “major amendments.” Following the hearing on this proposal, the Board of Supervisors may approve the proposed zoning amendment and master development plan as submitted; approve modifications of the site development standards; approve either or both subject to certain modifications or limitations, including limits on the types of permitted uses; approve either or both subject to certain conditions or infrastructure requirements; or decline to approve both. The Board shall adopt findings indicating the basis for its action in connection to this action.
2. The Board of Supervisors may approve a Master Development Plan and/or the PD zoning conditioned on a schedule for the completion of certain actions or improvements. If the property owner fails to comply with this schedule, at the expiration of the applicable time period, the Board shall schedule a public hearing to consider granting an extension,



determining a revised compliance schedule, or revoking approval of the Master Development Plan and PD zoning. If the Board revokes its approval, the PD Zoning District shall revert to its original zoning. The owner, and any successors in interest who have provided written notice of this interest to the Planning Department, shall be notified of the hearing by registered mail.

#### **1505 AMENDMENTS TO APPROVED MASTER DEVELOPMENT PLANS FOR THE PD DISTRICT**

Minor amendments to an approved final Master Development Plan may be authorized by the County Zoning Inspector upon written application by the Applicant or successors in interest, but only upon a finding that: a) such amendments are in accord with all Regulations in effect at the time the change is requested; b) the amendments are consistent with the purpose and scope of the Master Development Plan approved by the Board of Supervisors and are unlikely to result in any increase in off-site impacts; and c) the amendments are consistent with the general intent and purpose of the Comprehensive Plan in effect at the time of the proposed change.

Any proposed amendment that does not meet each of the criteria stated above shall be formally submitted for approval in the same manner as an original application.

#### **1506 PREVIOUSLY ZONED PD-1 AND PD-2 DISTRICTS**

All previously zoned PD-1 and PD-2 Zoning Districts shall be deemed to be PD Zoning Districts. If a previously zoned PD-1 or PD-2 district has an approved, un-expired master development plan or final plan, then all applications for residential and non-residential permits and subdivisions shall be in substantial conformance with that plan and subject to all conditions of that plan. Any proposals to amend the plan are subject to the provisions of Section 1505 herein.

In the event that a previously zoned PD-1 or PD-2 District has no approved plan or has an expired plan, then a master development plan for the entire contiguous PD-1 or PD-2 District, per the requirements of this article, shall be required prior to the issuance of a residential or non-residential permit or approval of a subdivision tentative plat. If there is no current plan in effect, the property owner may, in the alternative, request that a previously zoned PD-1 or PD-2 Zoning District, or portion thereof, revert to its original zoning and Comprehensive Plan designation. If PD-1 or PD-2 was the original zoning, or a reversion to the original zoning is not appropriate, then a property owner may apply for another Zoning District compatible with the surrounding Comprehensive Plan designation, subject to the provisions of Article 22.





# ARTICLE 16

## LIGHT POLLUTION

### CONTENTS

Description	Section
Purpose	1601
Administration	1602
Definitions	1603
Procedures for Lighting Compliance	1604
General Requirements	1605
Prohibitions	1606
Signage	1607
Permanent Exemptions	1608
Temporary Exemptions	1609
Special Activities	1610

### 1601 PURPOSE

- 1601.01 To achieve effective and efficient lighting while preserving the safety, security, and well-being of County residents and visitors.
- 1601.02 To protect and enhance the lawful nighttime use and enjoyment of all property through the protection of and access to the dark night skies and to encourage the conservation of energy and other resources.
- 1601.03 To specify and encourage lighting practices and systems that will minimize the adverse man-made light pollution effects of sky-glow, glare, and light trespass.
- 1601.04 To ensure that all signs installed in the County are compatible with the County's largely rural character, are in compliance with the Comprehensive Plan, and ensure that no sign shall be brighter than is necessary for clear and adequate visibility.

### 1602 ADMINISTRATION

#### 1602.01 Conformance with Applicable Codes

All outdoor electric illuminating devices shall be installed in conformance with all provisions of these Zoning Regulations, Cochise County Subdivision Regulations, and any applicable building codes where any provision of any of the Arizona Revised Statutes, any Federal Law, or any related Cochise County regulation conflicts with the requirements of this Article, the most restrictive shall govern.



#### **1602.02 Approved Material and Methods of Installation**

The provisions of this Article are not intended to prevent the use of any material or method of installation not specifically proscribed by this Article, provided any such alternate has been approved. The County Zoning Inspector may approve any such alternate provided the proposed design, material, or method:

- A. Provides approximate equivalence to those specific requirements of this Article, or
- B. It is otherwise satisfactory and complies with the intent of this Article.

#### **1602.03 Applicability**

- A. New Uses, Buildings, and Additions or Modifications: The requirements of this Article shall apply to all new uses and to additions to existing land uses, developments, buildings, or structures.
  - 1. If a major addition occurs on a property with a non-residential use, the entire property shall comply with the requirements of this Article. For purposes of this section, major additions are changes of 50 percent or more in terms of additional dwelling units, gross floor area, or seating capacity that have occurred either as single or with cumulative additions or modifications which have occurred since March 3, 1982, the effective date of this provision.
  - 2. Minor additions (defined as additions or modifications less than 50 percent of existing uses) on a property with a non-residential use shall require the submission of a complete inventory and site plan detailing all existing and any proposed new outdoor lighting. Any new lighting on the site shall meet the requirements of this Article with regard to shielding and lamp type; the total amount of lumens after the modifications are complete shall not exceed that on the site before the modification or that permitted by this Article, whichever is larger.
- B. Change of Use. Whenever the use of any existing building, structure, or premises is changed to new use, all outdoor lighting shall be reviewed and brought into compliance with all provisions of this Article before the new use commences.
- C. Resumption of Use after Abandonment. If a property or use with non-conforming lighting is abandoned as defined in Section 1603, then all outdoor lighting shall be reviewed and brought into compliance with all provisions of this Article before the use is resumed.

#### **1602.04 Special use authorization requirements**

Any application or lighting installation not meeting all requirements of this Article, including but not limited to height, shielding, curfew, or lumen caps, shall require a Special Use Authorization pursuant to Article 17. At the time of Special Use Authorization submittal, the proposed lighting system design shall be certified by a knowledgeable Arizona Registered professional or other certified lighting specialists as achieving the minimum illuminance level for the specific activity as recommended by the Illuminating Engineering Society of North America (IESNA) and that the design shall conform to all other applicable provisions of this Article and with aiming angles that permit no greater than five percent of the light emitted by each fixture to project above the horizontal. The submittal must contain complete specifications, including total lumen/ nit count, to meet the requirements of off-site glare and light trespass, as specified in this Article, and



Arizona Registered professional or other certified lighting specialists shall provide verification that the correct equipment shall be installed and functioning after installation.

## **1603 DEFINITIONS**

**Abandonment** - The discontinuation of use for a period of three years or more.

**Class 1 Lighting** - All outdoor lighting used for, but not limited to, outdoor sales or eating areas, assembly or repair areas, recreational facilities, and other similar activities where COLOR RENDITION is important. Class 1 lighting includes metal halide, liquid crystal display (LCD), light emitting diode (LED), plasma, quartz halogen, and similar light sources and technologies.

**Class 2 Lighting** - All outdoor lighting used for, but not limited to, illumination for walkways, roadways, equipment yards, parking lots, and outdoor security where GENERAL ILLUMINATION for safety or security is the primary concern.

**Class 3 Lighting** - All outdoor lighting used for DECORATIVE effects, including but not limited to architectural illumination, flag and monument lighting, and the illumination of vegetation.

**Color Rendition** - The ability of a light source to faithfully reproduce the colors seen in an object.

**Correlated Color Temperature (CCT)** - This temperature best indicates the colors of light shining from a bulb or lamp. CCT is listed with all new lighting sources (lamps and bulbs), and by standard, the temperature is given in degrees Kelvin. Low Kelvin numbers represent “warm light, and higher numbers represent “cool light.”

**Decorative** - Class 3 lighting, which is used for non-utilitarian purposes such as lighting building exteriors, fountains, flags, landscaping, and holiday and seasonal decorations.

**Developed Site** - Acreage refers to the developed area of the site, including, but not limited to the area used for buildings, structures, storage and service areas, parking, loading, driveway areas, required setback areas, and required landscaping related to the use, but not areas that are only cleared.

**Foot-candle, average** - A unit of illumination produced on a surface, measured by a light meter at an average point of illumination between the brightest and darkest areas. The measurement can be made at the ground surface or at four to five feet above the ground. For the purpose of this Article, one foot-candle is equivalent to one lumen per square foot.

**General Illumination** - Outdoor lighting used for, but not limited to, illumination for walkways, roadways, equipment yards, parking lots, and outdoor security where safety or security of the grounds is the primary concern.

**IESNA** - Illuminating Engineering Society of North America.

**Illuminance** - The amount of light striking a surface area, measured in footcandles or lux. For conversion purposes, 1 footcandle (fc) is equal to 10.76 lux (lx).

**Installed** - The attaching or assembling in place of any outdoor light fixture.

**Lamp** - A generic term for a source of "light" often called a "bulb," "tube," "diode," "module," "display," or an "array."

**LED (Light Emitting Diode)** - A semiconductor diode or bulb that emits light when voltage is applied to it and is used in electronic devices.

**Light Fixture, Fully Shielded** - A light fixture constructed, installed, and maintained in such a manner that all light emitted by the fixture, either directly from the lamp or indirectly by reflection or refraction from any part of the fixture, is projected below a horizontal plane running through the lowest part of the fixture.

A practical way to determine if a fixture or tube is fully shielded: if the lamp or tube, any reflective surface, or lens cover (clear or prismatic) is visible when viewed from above or directly from the side, from any angle around the fixture or tube, the fixture or tube is not fully shielded.

**Light Fixture, Outdoor** - A complete lighting assembly (including the lamp, housing, reflectors, lenses, and shields), less the support assembly (pole or mounting bracket). Includes luminous tubes, lamps, or similar devices, permanently installed or portable, used for illumination, decoration, or advertisement.

**Light Meter** - a device used to measure the amount of light on a surface.

**Light Trespass** - Stray electric light in excess of the levels specified in Section 1605.01 falling where it is not wanted or needed. Direct or reflected light that has its source on one side and illuminates areas beyond the property boundaries. Light trespass is typically produced by stray light from unshielded or misdirected outdoor lighting and includes glare from direct viewing.

**Lumen** - A unit used to measure the total amount of light that is produced by a lamp. For the purpose of this code, one lumen is equivalent to a one-foot candle.

**Luminaire** - A light fixture, including the complete lighting assembly (including lamps, housings, reflectors, lenses, and shields), but excluding the support assembly.

**Nit** - A unit of luminance measured as one candela per meter-squared.

**Opaque** - Opaque means a material that does not transmit light from an internal illumination source.

**Outdoor Light Fixtures** - Outdoor electric illuminating devices, outdoor fixtures, lamps, and other devices; searchlights, spotlights, flood lights, permanently installed or portable, used for illumination, emergency, security, or commercial purposes. Such devices shall include but are not limited to lights for:

- A. Parking lots
- B. Roadways
- C. Buildings and structures
- D. Recreational areas and facilities
- E. Landscaping decorative effects
- F. Billboards and signs (advertising and other)
- G. Product display areas

**Outdoor Recreational Facility** - An area designed for active recreation, whether publicly or privately owned, including but not limited to parks, baseball or softball diamonds, soccer and football fields, golf courses, tennis courts, and roping/equestrian arenas.

**Person** - Shall mean any private individual, tenant, lessee, owner, or any commercial entity, including but not limited to companies, partnerships, joint ventures, or corporations.

**Residential Lighting** - Residential refers to outdoor lighting for single household dwellings.

**Searchlight** - A lighting assembly designed to direct the output of a contained lamp in a specific tightly focused direction (a beam) with a reflector located external to the lamp and with a swiveled or gimbaled mount to allow the assembly to be easily redirected. Such lights are commonly used to sweep the sky for advertisement purposes.

**Shield** - A device that is attached to or inserted into a luminaire to alter the direction of light being emitted. A luminaire that has a shield attached or inserted is considered to be "shielded."

**Sign, Digital** - A type of unshielded electronic display that can show programming, menus, information, advertising, and other messages. Digital signs are lighted and utilize technologies such as Liquid Crystal Display (LCD), (Light Emitting Diodes) LED, plasma displays or projected images to display content.

**Sign, Illuminated** - For the purposes of this Article, a sign lighted by or exposed to artificial lighting either by lights within the sign or directed toward the sign.

**Sky-glow** - The undesirable and unnecessary emission of light rays, directly or indirectly, into the night sky.

**Up lighting** - A lamp or light designed or positioned to cast its light upwards.

**Use, Non-Residential** - The use of land for a purpose other than single-household dwelling units.

**Watt** - The unit used to measure the electrical power consumption (not the light output) of a lamp.

## **1604 PROCEDURES FOR LIGHTING COMPLIANCE**

### **1604.01 Applications**

- A. Any individual applying for a building or a use permit under these Zoning Regulations intending to install outdoor light fixtures shall, as a part of said application, submit evidence that the proposed work will comply with this Article.
- B. All other individuals intending to install, replace or improve any outdoor light fixture shall comply with the provisions of this Article, and if a permit is required by these Zoning Regulations or Building Codes, submit an application to the County Zoning Inspector providing evidence that the proposed work will comply with this Article.

### **1604.02 Contents Of Application Or Submission**

The following plans and descriptions shall be sufficiently complete to enable the County Zoning Inspector to readily determine whether the project will be in compliance with the requirements of this Article. If such plans and descriptions are not sufficient to enable this ready determination by reason of the nature or configuration of the devices, fixtures, or lamps proposed, the applicant shall submit evidence of compliance prepared by a certified illumination engineer. The submission shall contain:

- A. Plans indicating the location on the premises, the type of all illuminating devices, existing and proposed, as well as total lumens or nits emitted.
- B. Description of the existing and proposed illuminating devices, fixtures, lamps, supports, and other devices, and the initial lumen output. This description shall include but is not limited to manufacturers' catalog cuts, photographs, diagrams, and/or drawings.

### **1604.03 Issuance of Permits**

Upon compliance with these lighting provisions, as well as the other requirements for permit issuance, the County Zoning Inspector shall issue a permit. The appeal procedures of these Zoning Regulations for decisions of the County Zoning Inspector shall apply in the event of any dispute as to the application of this Article.



#### **1604.04 Amendment to Permit**

Substitution of outdoor light fixtures or lamps after a permit has been issued requires County Zoning Inspector approval prior to installation. Amendments to permits for the installation of outdoor light fixtures require adequate information to assure compliance with Section 1604.02 of this Article.

#### **1604.05 Accessibility for Inspections**

The Applicant will provide a means to safely inspect any digital sign over five-feet tall from the ground.

### **1605 GENERAL REQUIREMENTS**

#### **1605.01 Light Trespass and Glare**

- A. All fixtures and lamps shall be located, installed, directed, shielded, and maintained to avoid light trespass and to minimize direct light and/or glare on neighboring properties and roadways. Accent lighting shall be directed onto the building or object and not toward the sky or onto adjacent properties.
- B. The level of light trespass shall not exceed 0.2-foot-candles at the property line of a residential property. For a receiving non-residential property, the level of light trespass shall not exceed 0.5-footcandles under the same parameters.

#### **1605.02 Height**

- A. Residential Sites: The overall height of lighting fixtures (including the base) shall not exceed 20 feet above ground level, except for residential sites with a minimum parcel size of four- acres or larger, lighting fixtures which are located 50 feet or more from any property line shall not exceed 30-feet in height (including the base) above ground level.
- B. Non-Residential Sites: Except as provided herein for specific uses, the overall height of lighting fixtures (including the base) on all non-residential sites shall not exceed 30 feet above ground level, except in the GB, LI, and HI Zoning Districts, the overall height of lighting fixtures located at least 100-feet from any property line shall not exceed 35-feet in height above ground level (including the base). Digital signs shall meet all requirements per Section 1907.02 of Article 19.

#### **1605.03 Lighting Types, Shielding, and Curfew Requirements**

- A. Lighting Types
  - 1. All streetlights shall be fully shielded.
  - 2. Low-Pressure Sodium lamps are the preferred lamp type for minimizing adverse effects on astronomical observations.
- B. General Shielding Requirements
  - 1. All light fixtures required to be fully shielded shall be installed and maintained in a fashion that maintains the fully shielded characteristics.

2. All up lighting is prohibited, except
  - a. The lighting of one flagpole. The light shall be focused on the flag and shall not exceed 2,000 lumens. Off-site glare and light trespass shall be eliminated using shielding. Flags that include advertising, business trademarks or symbols, or other forms of commercial communication may not be uplighted at any time.
  - b. Low voltage or solar landscape lighting not exceeding 150 lumens per fixture.

C. Shielding Requirements for Residential Uses

1. For residential uses, all permanently used lamp types shall be fully shielded.
2. Lighting for multiple household dwellings is not considered Residential and must comply with all requirements for non-residential lighting, including but not limited to lumen caps and curfews for decorative lighting
3. Unshielded lighting for residential uses under roof or porch overhangs shall be considered compliant, provided such lighting meets the light and trespass glare requirements of 1605.01.
4. Seasonal decorations using typical unshielded low-lumen incandescent lamps shall be permitted from Thanksgiving to January 15.

D. Shielding and Curfew Requirements for Non-Residential Uses

1. All non-residential light fixtures except for unshielded signs shall be fully shielded.
2. Any Class 1 (Color Rendition), Class 2 (General Illumination), or Class 3 (Decorative Illumination) lamp type shall be shielded in accordance with Table 16.1.
3. All Class 1 (Color Rendition) and Class 3 (Decorative Illumination) lighting shall be extinguished between 11 p.m. (or when the business closes, whichever is later) and sunrise, except:
  - a. Seasonal decorations using typical unshielded low-lumen incandescent lamps shall be permitted from Thanksgiving to January 15.
  - b. Low voltage landscape lights are rated at 150 lumens or less, provided the total unshielded lumens do not exceed 1,000 lumens.
  - c. Self-contained solar lights rated at 10 watts or less.
4. All light fixtures located within 25 feet of the property line adjacent to residential use shall use fully shielded luminaires.

**1605.04 Total Outdoor Light Output**

- A. Total outdoor light output, including that for all signs, shielded or unshielded, shall not exceed the limits in Table 16.1. The values in this table are upper limits and not design goals; design goals should be the lowest levels that meet the requirements of the task to reduce glare and reduce energy costs.



- B. Shielded flood lights, properly aimed down, at no more than 45 degrees, not to exceed 2,000 lumens per bulb, and controlled by a motion sensor device shall be exempt from lumen caps, provided fixtures remain on for short periods only and not to remain on over 10 minutes after the area has been vacated.
- C. Low voltage seasonal decorations, permitted between Thanksgiving and January 15, are not counted toward these limits.
- D. Total outdoor light output for various Zoning Districts is specified in Table 16.1. These maximums are referred to as lumen caps.

**TABLE 16.1 Maximum Total Outdoor Light Output Standards Lumen Caps**

All Uses in Commercial and Industrial Zoning Districts (NB, GB, LI, HI) <sup>5</sup>

Total shielded 150,000 lumens per acre of developed site <sup>1 4 5</sup>

Total Unshielded 3,000 lumens per acre of developed site <sup>2 3 5</sup>

Non-Residential Uses in Residential and Rural Zoning Districts <sup>6</sup>

Total shielded 75,000 lumens per acre of developed site <sup>1 4 5</sup>

Unshielded 3,000 lumens per acre of developed site <sup>2 3 5</sup>

Residential Uses in Residential and Rural Zoning Districts - Lots one acre or larger

Shielded 20,000 lumens per acre of developed site <sup>5</sup>

Residential Uses in Residential and Rural Zoning Districts - Lots less than one acre

Shielded 10,000 lumens per acre of developed site <sup>5</sup>

Digital Signs

Limited to one sign per developed site with a maximum of 200 nits per site

Correlated Color Temperature (CCT)

Maximum CCT of 3,000K permitted for non-residential lamps

<sup>1</sup> Lumens for all signs are to be included in these caps except as provided in Section 1607.02.

<sup>2</sup> Any lamp with an output of 1,000 lumens or more shall be fully shielded.

<sup>3</sup> Does not include the 2,000-lumen lighting exception for flagpoles (Section 1605.03) and floodlights on a motion sensor (1605.04).

<sup>4</sup> All lighting except for safety lighting (Class 2) shall be extinguished between 11 p.m. (or close of business, whichever is later) and sunrise.

<sup>5</sup> Acreage refers to the developed area of the site, including, but not limited to, an area used for buildings, structures, storage and service areas, parking, loading, driveway areas, required setback areas, and required landscaping related to the use, but not areas that are only cleared.



## **1606 PROHIBITIONS**

### **1606.01 Searchlights, Laser Lights**

The operation of searchlights, laser lights, or any similar high-intensity light for outdoor advertising or commercial purposes is prohibited.

### **1606.02 Recreational Facilities**

No outdoor recreational facility, public or private, including those with non-conforming lighting, shall be illuminated after 11 p.m. except to conclude a specific scheduled event that was unable to conclude before the curfew due to unusual circumstances.

### **1606.03 Mercury Vapor**

The installation of new mercury vapor outdoor light fixtures is prohibited. The use of legal, non-conforming (installed prior to March 3, 1982) mercury vapor light fixtures is prohibited after January 1, 2011.

## **1607 SIGNAGE**

### **1607.01 External Illumination**

External illumination for signs shall conform to the shielding restrictions and lumen caps of Table 16.1. All upward-directed sign lighting is prohibited.

### **1607.02 Internal Illumination**

- A. Outdoor internally illuminated signs are considered unshielded and shall be adequately sealed and maintained to prevent light leakage.
- B. Neon signs shall be treated as internally illuminated signs for the purpose of this Article. Neon lighting extending beyond the sign area shall be considered Class 3 decorative lighting and shall be subject to the standards applicable for such lighting, including, but not limited to, the shielding standards and lumen caps of Table 16.1.
- C. Digital signs that meet the standards as listed in Article 19 are permitted. Digital signs shall be considered unshielded and restricted to the total lumen cap per Table 16.1 of this Article. Applicant must supply documentation indicating maximum nit capability for each segment of a digital sign and demonstrate the ability to meet the total nit cap per Table 16.1 of this Article.

### **1607.03 OTHER ILLUMINATED PANELS**

Other internally illuminated panels or decorations not considered to be signage according to this Article, such as illuminated canopy margins or building faces, shall be considered Class 3 Lighting and shall be subject to the standards applicable for such lighting, including, but not limited to, the shielding standards and lumen caps of Table 16.1.



#### **1607.04 Curfew**

- A. Illumination for advertising signs, both externally and internally illuminated, shall be turned off at 11 p.m. or when the business closes, whichever is later. Signs subject to curfews are encouraged to have automatic shut-off timers.
- B. Digital signs shall be permitted from sunrise to sunset, except as permitted in Article 19.

#### **1608 PERMANENT EXEMPTIONS**

##### **1608.01 Nonconforming Fixtures**

Except as provided in Section 1602.03, all outdoor light fixtures existing and legally installed after March 3, 1982, and prior to December 1, 2005, with the exceptions found in Section 1606.02 (curfew for outdoor recreation facilities) and 1606.03 (mercury vapor), may remain “non-conforming” indefinitely; provided, however, that no change in use, fixture replacement, structural alteration, or restoration after the abandonment of outdoor light fixtures shall be made unless it thereafter conforms to the provisions of this Article.

##### **1608.02 Fossil Fuel Fixtures**

The light produced by the combustion of natural gas or other utility-type fossil fuels is exempt from the lumen cap and shielding requirements of this Article.

##### **1608.03 Equipment and Signal Lights**

Equipment and signal lights necessary for agricultural equipment or required by State or Federal regulations shall be by the least obtrusive means that meets the applicable operating or regulatory requirements.

##### **1608.04 Federal and State Facilities**

Those facilities and lands owned, operated, or protected by the U.S. Federal Government or the State of Arizona are exempt by law from all requirements of these provisions. Voluntary compliance with the intent of this Article at those facilities is encouraged.

##### **1608.05 Emergency Lighting**

Temporary lighting to facilitate immediately necessary repairs or similar emergencies, such as actions of a public or private utility company necessary to continue or resume service, shall be allowed. Lights shall be arranged to reflect light away from and prevent glare to adjoining residential properties and public rights of way to the extent feasible.

##### **1608.06 Agricultural Operations**

Those agricultural operations that meet the minimum requirements for zoning exemption are also exempt from this article.

#### **1608.07 Special Exemption**

The zoning inspector may grant a special exemption to the requirements of this article only upon a written finding that there are extreme geographic or geometric conditions warranting the exemption and that there are no conforming fixtures that would suffice.

### **1609 TEMPORARY EXEMPTIONS**

#### **1609.01 Requests for Temporary Exemptions**

Any individual as defined herein may submit a written request to the county zoning inspector for a “temporary exemption” to the requirements of this article. Such exemption will be valid for 30- calendar days, renewable at the discretion of the county zoning inspector. The request for temporary exemption shall contain at least the following:

- A. Specific exemptions are requested.
- B. Specific reasons why the requirements listed in this article cannot be met.
- C. Type and use of exterior light involved.
- D. Duration of time for requested exemption.
- E. Type and number of lamps and calculated lumens.
- F. Total lumens of lamp or lamps.
- G. Proposed location and height of exterior lights.
- H. Previous temporary exemptions, if any.
- I. The physical size of exterior light and type of shielding provided.

In addition to the data above, the county zoning inspector may request any additional information to allow a reasonable evaluation of the request for temporary exemption.

#### **1609.02 Appeals for Temporary Exemptions**

The county zoning inspector, within 15-calendar days from the date of the properly completed request for temporary exemption, shall approve or reject the request in writing. If rejected, the individual making the request shall have the right of appeal to the appropriate board of adjustment as any other appeal of the county zoning inspector’s determinations.

#### **1609.03 Private Security Lighting/ Lighting Installed by An Electric Utility**

Non-compliant lighting that was installed in good faith by an electric utility shall be brought into conformance with this article within five years of adoption; however, individual light fixtures which are the subject of a citizen complaint or county enforcement action shall be brought into conformance within 30- calendar days of notification of the property owner.

### **1610 SPECIAL ACTIVITIES**

#### **1610.01 Outdoor Recreational Facilities**

- A. Shielding: all outdoor recreational facilities shall utilize fully shielded luminaires that are installed in a fashion that maintains the fully shielded characteristics.



- B. Height: the maximum height for pole-mounted luminaires for outdoor recreational facilities is 40-feet.
- C. Lighting for public and private outdoor athletic fields, courts, tracks, or arenas, shall be considered class 1 (color rendition).
- D. Facility lighting shall meet shielding, lumen caps, height limits, and all other restrictions of this article:  
If meeting all requirements is infeasible, pursuant to section 1602.04, a special use authorization is required.
- E. Off-site trespass: the facility shall limit off-site trespass to the maximum extent possible and shall not cause light trespass onto residentially zoned or developed properties.
- F. Curfew: all events shall be scheduled to complete the activity before 11 p.m. Illumination of the playing field, court, or track shall be permitted after the curfew only to conclude a scheduled event that was unable to conclude before the curfew due to unusual circumstances.
- G. All lighting not directly associated with the playing field (e.g., Parking lot lighting, concession stand lighting, etc.) Shall use class 2 lighting and shall conform to all requirements of section 1605 of this article.

#### **1610.02 Outdoor Display Lots**

Lighting for display lots shall be considered class 1 (color rendition) and shall be in compliance with the following standards:

- A. Shielding: all display lot lighting shall utilize fully shielded luminaires that are installed in a fashion that maintains the fully shielded characteristics.
- B. Height: the maximum height for pole-mounted luminaires for outdoor display lots is 40 feet.
- C. Display lot lighting shall meet shielding, lumen caps, height limits, and all other restrictions of this article.  
If meeting all requirements is infeasible, pursuant to section 1602.04, a special use authorization is required.
- D. Curfew: display lot lighting shall be turned off between 11 p.m. And sunrise or within 30 minutes after the closing of the business, whichever is later. Lighting in the display lot after this time shall be considered class 2 lighting and shall conform to all restrictions of this article, including the lumen caps in table 16.1.
- E. Off-site trespass: the facility shall limit off-site trespass to the maximum extent possible and shall not cause light trespass onto residentially zoned or developed properties

#### **1610.03 Service Station Under Canopy Lighting**

Lighting for service station canopies shall be considered class 1 lighting (color rendition) and shall be subject to the curfew requirements in section 1605.03 of this article.

- A. Shielding: all luminaires are to be flush with or recessed into the lower surface of service station canopies and shall be fully shielded and utilize flat lenses.
- B. Total under-canopy output: the total light output used for illuminating service station canopies is



defined as the sum of all under-canopy initial bare lamp outputs in lumens and shall not exceed 40 lumens per square foot of canopy. Twenty-five percent of the lumens from fully shielded outdoor lighting fixtures installed under canopies shall be counted toward the lumen caps in table 16.1.

- C. Illuminated canopy margins shall be considered class 3 (decorative) lighting.

#### **1610.04 Wireless Communications Towers**

If tower lighting is required, it shall be the least obtrusive that meets FAA requirements.



# ARTICLE 17

## ADMINISTRATION

### 1701 COUNTY ZONING INSPECTOR

The Cochise County planning director is hereby designated as county zoning inspector, who, together with the duly authorized representatives, shall enforce the provisions of these zoning regulations.

### 1702 PERMITS

All county officials, departments, agencies, and public employees vested with the duty or authority to issue and observe permits shall assist and cooperate with the county zoning inspector. Permits for uses, buildings, or purposes which would conflict with these zoning regulations shall not be issued, and any such permit so issued in conflict with the zoning regulations shall be null and void.

### 1703 ADMINISTRATIVE RULES

The county zoning inspector may adopt administrative rules and policies consistent with these zoning regulations that carry into effect the provisions of these zoning regulations.

### 1704 BUILDING/USE PERMIT REQUIRED

**1704.01** It shall be unlawful to erect, construct, reconstruct, alter, or use any structure or building without first obtaining a building/use permit from the county zoning inspector, except for any work exempt from permit by the county's adopted building codes. Exemption from permit requirements of those codes shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this code or any other laws or ordinances of this jurisdiction.

For non-residential uses, a permit is required regardless of the dollar value of the improvement when there are applicable building code requirements.

For the purpose of determining the value of any such repair, alterations, or improvements, the normal retail value of materials and labor performed shall be used. Even though no permit is required for repairs or improvements having a certain value or listed below, such repairs, improvements, or alterations shall comply with all other provisions of these zoning regulations.



Re-establishment of a discontinued non-residential use shall not require a permit for the same use, provided that the discontinued use was established through the permitting process at the time of establishment and that no new construction is proposed.

**1704.02** it is unlawful to erect, construct, reconstruct, maintain, use, or change the use of any land in any zoning district in violation of any regulation or any provision of this or any ordinance pertaining thereto, and any such violation constitutes a public nuisance.

**1704.03** A developer shall not circumvent the permit requirements of this article by making improvements, repairs, or alterations which constitute a complete unit through piecemeal or phased construction with the intent to avoid these permit requirements.

**1704.04** Uses determined to be otherwise exempt from permitting but require review by the health or highway and floodplain department shall be required to file for an informational permit pursuant to this article. This includes the following:

A. Wood, concrete block, or wire fences if any of the following applies:

1. Greater than 7 feet in height.
2. Located on a corner lot and greater than 3 feet in height.
3. Located within a designated FEMA flood hazard area; and/or
4. Located within a designated wash

B. New family cemeteries

**1704.05** Uses determined to be exempt under article 20, which requires review pursuant to Arizona revised statutes. Uses proposed on state lands shall require a permit unless determined to be exempt per article 20.

#### **1705 APPLICATION FOR BUILDING/USE PERMIT**

An application for any building/use permit required by these zoning regulations shall be made by the owner, the lessee, or any other agent of the owner, including the architect, engineer, or builder employed in connection with the proposed work. Applications shall be filed with the county zoning inspector on forms provided for that purpose and shall contain or have attached thereto at least, typically, the following information or documentation:

**1705.01** Name, address, and telephone number of the property owner and/or applicant.

**1705.02** Signature of the property owner or applicant.

**1705.03** The legal description, parcel number, and location of the site.

**1705.04** The applicable building/use permit fee.

**1705.05** Description of all existing and proposed uses on the site.



- 1705.06** Description of provisions planned for treatment and disposal of sewage and provision for water supply to the site, including on-site septic sewage treatment disposal systems forms and design prepared by a certified soil evaluation/site investigator if applicable.
- 1705.07** Minimum of one site plan of the layout of the proposed development, drawn to scale or fully dimensioned, showing the following, if applicable:
- A. North arrow and scale.
  - B. Site boundaries and dimensions.
  - C. Known names of adjoining streets.
  - D. The location and exterior dimensions of all existing and proposed buildings, structures, and uses, including side-elevation drawings showing the height of structures if necessary.
  - E. Location and width of all existing and proposed vehicular driveways and/or access points to the parcel from adjoining streets and alleys.
  - F. Location of the septic tank, leach field, and area for 100-percent expansion and distances to all structures, wells, washes, and property lines and any additional setbacks in the Arizona administrative code.
  - G. Location, depth, and width of all drainage ways within 300 feet of proposed improvements.
  - H. Location, height, and materials of walls, fences, and screens.
  - I. Off-site improvements, such as culverts, driveways, and utility installations; and
  - J. Any other information deemed necessary by the county zoning inspector to make a determination of conformance with these zoning regulations and as required by the Cochise County health department as referenced in the Arizona administrative code.
- 1705.08** If the application is for non-residential use or multiple-household use, a site plan shall be submitted, and the following additional applicable information shall also be contained:
- A. Location and improved surface type of off-street parking and loading areas, including dimensions, number, and arrangement of spaces and driveways.
  - B. Location, width, and alignment of all abutting streets and alleys, showing location and type of surface, curbs, gutters, sidewalks, right-of-way boundaries, and distances of driveways from intersections.
  - C. Location, height, shielding, and type of outdoor lighting.
  - D. Location, height, surface area, and type of signs.
  - E. Location and type of existing and proposed drainage, utility, and sanitary sewage facilities.
  - F. A landscaping plan, when landscaping is required, showing the location and kinds of landscaping.
  - G. Location and type of enclosure of outdoor storage, display, or other activity areas.
  - H. Drainage and grading plan and location of any drainage easements.



- I. Street dedication, location, and type of proposed pavement, curbs, and gutters, when required by these zoning regulations.
- J. Provisions for solid waste disposal facilities; and
- K. Water conservation measures if the developed portion of the site is one-acre or larger.
- L. Sight triangle per the requirements of article 18.
- M. Any other information deemed necessary by the county zoning inspector to make a determination of conformance with these zoning regulations.

#### **1706 BASIS FOR APPROVAL**

It shall be the duty of the Cochise County Zoning Inspector to sign and issue building/use permits with the applicable conditions of approval whenever the proposed construction, alteration, repair, use, or improvement conforms with the provisions of these Zoning Regulations; and the proposed use does not conflict with any other Federal, State, or County statutes, codes, or regulations in effect and applicable to the proposed use. A copy of the permit and applicable information shall be transmitted to the Applicant, County Assessor, and any other appropriate department or agency.

#### **1707 WITHHOLDING BUILDING/USE PERMITS**

If an Applicant fails to provide all of the information required in Section 1705 or fails to satisfy the requirements of Section 1706, the County Zoning Inspector shall withhold approval of the application and shall provide the Applicant with written notice stating the reason for not approving the application. If a building/use permit cannot be issued by the County Zoning Inspector, the application shall be null and void 120-calendar days after the date of the notice.

#### **1708 DISPLAY OF BUILDING/USE PERMIT AND PLANS**

With each permit issued, the County Zoning Inspector shall provide the permittee with a placard to be displayed in a noticeable and prominent location on the premises where the permit is to be used, which placard shall state the date issued and work authorized by said permit. The placard shall be displayed in a location that is clearly visible from the street throughout the duration of the construction, alteration, repair, improvement, or use for which issued. Failure of the permittee to so display the placard may result in failed inspections, fines, and/or revocation of the said permit by the County Zoning Inspector. In addition to the placard, the permittee must have available on-site a copy of the approved site plan and construction plans, if applicable, for reference by the inspectors.

#### **1709 FINAL INSPECTION REQUIREMENTS**

Prior to occupancy or use pursuant to an issued building/use permit, all conditions of the permit must be satisfied. It is the Applicant's responsibility to call for the final inspection and to call for septic system inspections prior to the construction of the system. It is a violation to use/operate prior to passing the final inspection.



#### **1710 REVISIONS TO BUILDING PERMITS**

Revisions to a building/use permit that do not substantially alter it may be applied for at any time prior to the completion of the construction, alteration, repair, or improvement for which the building/use permit was sought. Such revisions, after approval, shall be filed with and deemed a part of the original application. Substantial modification of the on-site wastewater/ septic system, such as the relocation of the leach fields, shall require a new permit application. The County Zoning Inspector shall act upon such revisions in the same manner as the original application.

Examples of substantial changes which require a new permit application include but are not limited to changes in use, a major addition to the site, or a major reconfiguration of the site.

#### **1711 VALIDITY OF BUILDING/USE PERMITS**

The issuance of a building/use permit shall not be deemed or construed to be a permit for, or approval of, any use, construction, alteration, repair, or improvement which would be in violation of these Zoning

Regulations or any other provision of law. No building/use permit presuming to give authority to violate or cancel any provision of these Zoning Regulations or any other provision of law shall be issued, and if issued, shall not be valid, except insofar as the use, construction, alteration, repair, or improvement which it authorizes is lawful.

#### **1712 PERMITS – MANUFACTURED HOMES & REHABILITATED MOBILE HOMES**

A building permit shall be required for the establishment of any individual manufactured home or rehabilitated mobile home on a site, except for unoccupied manufactured or rehabilitated mobile homes used for display purposes on a manufactured/mobile home sales lot. Occupancy of a manufactured or rehabilitated mobile home shall not occur until the completion of the final inspection. If the individual manufactured or rehabilitated mobile home is proposed for occupancy, the permit shall include associated installation fees. Permits for such installations shall be valid for a period of 6 months after issuance. If, after this time, the manufactured home or rehabilitated mobile home has not received a favorable, final installation inspection from the County Zoning Inspector, the permit will be null and void. One extension for an additional 6-month period may be granted upon review and approval by the County Zoning Inspector if the Applicant applies for such an extension in writing prior to permit expiration. All extension requests must be in writing and include the parcel number, reason for the request, completion schedule, and applicable extension fee. After one year from the date of initial permit issuance, the permit will be closed. Any work done after that time will require a new permit with all associated fees and requirements. Permit applications for individually manufactured or rehabilitated homes in a manufactured/ mobile home park do not require the submission of a site plan.



Manufactured or mobile homes proposed for accessory storage purposes only and not for use as a dwelling unit shall only be permitted in RU Zoning Districts on a minimum site of four acres and shall not require associated installation fees and inspections as described above, provided that they are intended to be used for accessory storage purposes only, and they comply with Article 6 and all applicable standards for accessory structures.

No new building permits will be issued for the installation of a “mobile home” unless rehabilitated as defined in Article 2, “mobile home, rehabilitated.” This restriction on the installation of “mobile homes” does not prohibit the continued lawful use and reasonable repair of a “mobile home” provided that the standards under these Zoning Regulations for the continuation of a nonconforming use are met, see Article 20.

### **1713 MISREPRESENTATIONS**

The County Zoning Inspector may revoke any building/use permit issued, including Home Occupation approval, where there has been any false statement or substantial misrepresentation of material fact in the application on which the issuance of the building/use permit or Home Occupation was based.

### **1714 BUILDING/USE PERMIT FEE**

#### **1714.01 Fees**

Each building/use permit application shall be accompanied by payment to the “Cochise County Treasurer” of fees in accordance with the adopted Planning and Zoning Fee Schedule. All applications for fee waivers must be approved by the Board of Supervisors.

#### **1714.02 Combined Permit Fees**

Applications qualifying for the Rural Residential Owner-Builder Amendment may apply for a single-family dwelling permit that includes up to one (1) residential accessory structure. The combined permit fee shall equal the cost of the single-family dwelling permit.

#### **1714.03 Building/Use Permit Fee Surcharge**

Wherever substantial construction on a site requiring a building/use permit has begun prior to issuance of an approved building/use permit or mobile/manufactured home placed on a property prior to issuance of an approved permit, the Applicant shall be subject to a surcharge added to the applicable fee; thereby increasing the total building/use permit as set forth in the adopted Planning and Zoning Fee Schedule.

### **1715 LOT DEVELOPMENT ADMINISTRATIVE MODIFICATIONS**

#### **1715.01 Purpose**

- A. To allow flexibility in how some of the site development standards are applied to individual lots but not to larger developments such as subdivisions.
- B. To provide flexibility in site development that may be appropriate to facilitate improvements in

Neighborhood Rehabilitation (NR) and redevelopment (ER) Enterprise Redevelopment areas.

- C. To minimize procedural delays and ensure due process in the review of unique and exceptional development situations.
- D. To provide administrative relief from zoning requirements that do not affect adjacent properties and the nearby area.
- E. To encourage originality, flexibility, and innovation in site planning and architectural design.
- F. To address any site-specific characteristics or constraints that may warrant the modification(s).

#### **1715.02 Eligible Lot Development Standards**

- A. The following site development standards may be eligible for a modification of up to 25 percent: minimum setbacks, maximum site coverage, maximum building/structure height, and minimum required parking spaces.
- B. The minimum site area may be reduced as follows:
  - 1. For any lots that are in a Zoning District with a minimum site area of one acre or smaller, the minimum site area may be reduced up to 10 percent.
  - 2. For any lots that are in a Zoning District with a minimum site area of more than one acre, the site area may be reduced up to 4 percent.

#### **1715.03 Application**

- A. All applications shall be made on forms supplied by the County Zoning Inspector and shall include an accurate site plan as described in Section 1705. In addition, details and reasons need to be provided as to the proposed modification(s).
- B. The County Zoning Inspector shall review the application for compliance and completeness. If there are deficiencies, the County Zoning Inspector shall notify the Applicant.

#### **1715.04 Notice to Affected Property Owners**

The County Zoning Inspector shall mail a notice to the surrounding property owners within 300 feet of the subject parcel. The notice shall contain a copy of the application and shall state that all comments concerning the proposed request must be forwarded to the Community Development Department in writing within 15-calendar days from the date the notice was mailed.

#### **1715.05 Action on Application**

- A. Based on staff comments and those from the affected property owners, The County Zoning Inspector shall review the proposed development and requested modification(s) of the standard(s) and shall either approve, approve subject to conditions, or deny the application within 7-working days from the end of the 15-calendar day comment period.
- B. The County Zoning Inspector shall use the following criteria to evaluate the proposal:
  - 1. The proposed modification will not violate any provisions of the Comprehensive Plan, area plans, duly adopted master plans, or other provisions of these Zoning Regulations.



2. The proposed modification(s) will be considered in light of the surrounding community.
3. The proposed modification(s) will not substantially reduce the amount of privacy currently enjoyed by nearby property owners if the development were located as specified by these Zoning Regulations.
4. The proposed modification(s) will not adversely impact traffic or traffic circulation, drainage, water conservation measures, sewage treatment systems, and other such systems.
5. The modification(s) does not create a situation where the proposed use of the property will create a hazard or nuisance.

The County Zoning Inspector shall, via certified mail, provide the Applicant with a notice of disposition and written statement of the decision and reasons, therefore, and any conditions of approval. Notice shall also be sent to the surrounding property owners within 300 feet of the site and shall include information on how to appeal the decision made by the County Zoning Inspector and the appeal deadline (see Article 21).

#### **1715.06 Appeals**

The decision of the County Zoning Inspector may be appealed to the Board of Adjustment in accordance with the provisions of Article 21.

#### **1715.07 Fees**

Applications for a Lot Development Administrative Modification shall be accompanied by the fee specified in the Planning and Zoning Fee Schedule.

### **1716 SPECIAL USE AUTHORIZATIONS**

#### **1716.01 Purpose**

To give these Zoning Regulations the flexibility necessary to achieve the objectives of each Zoning District, Special Use Authorization approval may be granted for certain types of uses. Applications proposing more than two Special Use Authorizations on one or more parcels, unless considered to be closely related components of a single type of use, may be required, instead, by the County Zoning Inspector to apply for a Rezoning to an appropriate Zoning District.

Because of their unique characteristics and oftentimes high potential to adversely impact surrounding properties, Special Use Authorizations may be permitted within the Zoning District only when they can demonstrate that potentially negative off-site impacts have been mitigated.

#### **1716.02 Factors for Or Against a Proposed Special Use Authorization**

The Planning Commission and the Board of Supervisors, if the Special Use Authorization request is appealed, shall consider the factors listed below in deciding whether to approve a Special Use Authorization request. Compliance or non-compliance with applicable Special Use Authorization factors serves as the basis for analyzing the Special Use Authorization request and determining factors in favor or factors against the Special Use Authorization request. The Special Use Authorization request factors represent policy decisions

by the Planning Commission and the Board, reducing uncertainty concerning their probable response to a given request. No set of factors, however, can totally determine the acceptability of all land use proposals. A property owner who adequately demonstrates compliance with the intent of Comprehensive Plan goals and policies may receive approval despite non-compliance with any individual factor. Conversely, a determination that unusual circumstances exist or there is significant public protest pertaining to a Special Use Authorization request may result in a denial. Most Special Use Authorizations have both factors in favor and factors against. In a specific Special Use Authorization request, an individual factor may weigh more heavily than other factors. All factors will be analyzed and balanced against other factors when making a recommendation.

Compliance with applicable factors below constitutes factors in favor of the Special Use Authorization request:

A. Compliance With Duly Adopted Plans

The Special Use Authorization request is consistent with the intent, goals, policies, and/or land use designations of the County Comprehensive Plan, Master Development Plans, area plans, transportation plans, or other land use plans, if any have been adopted for the area encompassing the Special Use Authorization request.

B. Compliance With the Zoning District Purpose Section

The proposed Special Use Authorization request shall comply with one or more of the purposes stated in the "Purpose" section of the applicable Zoning District and is compatible with existing development.

C. Development Along Major Streets

The development limits the number of access points on major thoroughfares or arterial streets, and County 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.

D. Traffic Circulation Factors

1. The Special Use Authorization request is consistent with the preservation of the functions of surrounding streets as defined in the County Comprehensive Plan.
2. The Special Use Authorization request does not result in the use of any residential street for non-residential traffic.
3. Consideration of future circulation needs in the surrounding area has been considered through right-of-way dedication and off-site improvements if warranted.

E. Adequate Services and Infrastructure

The following factors are used to determine if there are adequate services and infrastructure to serve the Special Use Authorization request:

1. The Applicant has provided adequate information to evaluate the impacts on roads, other infrastructure, and public facilities. The Applicant must demonstrate that there are adequate provisions to address the impacts identified; the Applicant shall provide data supporting the estimated traffic volume as part of the application.
2. If the site accesses 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. If so, the Applicant has proposed a method to address these problems.

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

4. 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.

F. Significant Site Development Standards

The Special Use Authorization request adequately addresses the significant applicable site development standards, including development in or near a floodplain. The Applicant has requested and adequately justified, in writing, any requests for modifications or waivers from site development standards.

G. Public Input

If there is major public opposition to a proposed Special Use Authorization request, this may indicate that the technical evaluation regarding the compatibility of the use 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 through the Citizen Review Process. If there is major public support for a proposed use, this may be a factor in favor of the request.

H. Hazardous Materials

Impacts from Special Use Authorization requests that may involve hazardous materials have been adequately mitigated.

I. Off-site Impacts

Adequate measures have been taken to mitigate off-site impacts such as dust, smoke, noise, odors, lights, or stormwater run-off.

J. Water Conservation

The Special Use Authorization request shall incorporate water-saving measures that meet or exceed all Cochise County requirements included in the Comprehensive Plan, Strategic Plan, adopted area plan, Building Code, or Zoning Requirements. For each request, the applicant shall identify the source of the water being used, an estimate of water quantity required for the proposed use, water-use minimization measures to be implemented, water-recycling measures to be implemented, and any measures used to enhance onsite recharge.

### **1716.03 Procedures for Issuance of a Special Use Authorization**

A. The Applicant for a Special Use Authorization request shall participate in an informal pre-application meeting with staff to provide a general overview of the proposed project and obtain information as to the issues that will need to be addressed in the formal application and discuss the proposed process for citizen notification.

B. Prior to submitting the formal application to the Community Development Department, the Applicant shall notify property owners, homeowners, and community associations in accordance with the Citizen Review Process specified in Article 22.



- C. The Applicant for a Special Use Authorization request shall file an application for a Special Use Authorization on a form provided by the County Zoning Inspector, a Citizen Review Report in accordance with Article 22, the required fee as provided for in the adopted Planning and Zoning Fee Schedule, and a concept plan, and if not the owner of the site, a letter of permission to apply for the Special Use Authorization. The concept plan shall be submitted and reviewed by the Planning Commission as a means to determine whether the Special Use Authorization request will be able to meet the essential site development standards set forth in these Zoning Regulations. Note: Any anticipated waivers of the site development standards, such as setbacks, screening, etc., must be requested, justified, and approved by the Planning Commission prior to building permit issuance. The Concept Plan, at a minimum, shall include:
1. The type(s) of use(s) planned for the site is specified.
  2. The general location, size, and height of all structures, location, surface and width of driveways, general location and number of parking spaces, setbacks, proposed screening and landscaping, and any significant topographical features such as washes, wetlands, cultural, archaeological, or historical sites, hills, and rock outcroppings.
  3. Project phasing.
  4. Other information is deemed necessary to effectively review the Special Use Authorization request.
- D. Upon receipt of the completed application, the County Zoning Inspector shall submit it to the Planning Commission for consideration and action. Prior to taking action on approving or denying the Special Use Authorization request, the Planning Commission shall:
1. Hold at least one public hearing thereon after at least 15-calendar days' notice by one publication in a newspaper of general circulation in the County seat and by posting the area included in the proposed Special Use Authorization request(s).
  2. Send notice by first class mail to each owner of real property within a radius of no less than 300 feet of the subject parcel(s), as shown on the most recent available records of the last property tax assessment. Where there are potential compatibility concerns, the County Zoning Inspector may expand the mailed notification area to greater than a 300-foot radius at the time of application acceptance.
  3. The notice sent by mail shall include, at a minimum, the date, time, and place of the hearing on the proposed Special Use Authorization request(s), including a general explanation of the matter to be considered, a general description of the area of the proposed Special Use Authorization request(s), and how the real property owners within the area may file approvals or protests of the proposed Special Use Authorization request(s).
- E. Site development standards contained in these Zoning Regulations are considered applicable unless modified by the Planning Commission or Board of Supervisors on appeal. Standards may be modified based on a finding that modification of a certain standard will not adversely affect public health, safety, and general welfare. These standards may be increased or decreased, and reasonable requirements imposed as deemed necessary to promote the purpose of these Zoning Regulations, including but not limited to the following:
1. Site coverage, structure height, and setback requirement.

2. Screening.
  3. Off-street parking and loading specifications and improvements.
  4. On-site and off-site street and drainage improvements.
  5. Regulation of points of vehicular ingress and egress.
  6. Regulation of signs.
  7. Landscaping.
  8. Control of noise, vibration, odor, emissions, hazardous materials, and other potentially dangerous or objectionable elements.
  9. Hours of operation.
  10. Time limits for the commencement of construction or a time limit within which the Special Use Authorization shall cease to exist.
  11. Water conservation measures; and
  12. Hazardous materials information.
- F. If approved by the Planning Commission and no appeal has been submitted within the 15-calendar days' appeal period, the Applicant shall return the signed acceptance of conditions and modifications and waiver for diminution of value form within 30-calendar days after approval. However, if the Applicant does not return this form within 30-calendar days after approval, the application for a Special Use Authorization approval shall be deemed null and void. A completed non-residential permit application and site plan meeting the requirements set forth in this Article, in substantial conformance with the approved concept plan and modifications and accompanied by any additional documentation required by the Planning Commission as a condition of Special Use Authorization approval, shall be submitted within 12-months of approval of the Special Use Authorization or within the time frame otherwise specified by the Planning Commission. At the time of permit submittal, if the Special Use Authorization is not in substantial conformance with the approved concept plan and is not within the general purview of the original notice, then the matter shall be heard at a public hearing before the Planning Commission to modify the plan following the procedures set forth in this Article herein. A non-residential permit must be issued within 18-months of approval by the Planning Commission or within the time frame otherwise specified by the Planning Commission. Upon issuance of a building/use permit, the provisions of this Article regarding the withholding, display, time limit, validity, and misrepresentation of building permits shall be applicable.
- G. Should any other conditions of the Special Use Authorization approval not be met within the time limits specified above or within the time limits specified by the Planning Commission, the Special Use Authorization approval may be revoked by the County Zoning Inspector after 30-calendar days' notice to the owner and Applicant unless a request for an extension is made within this 30- calendar day appeal period. A request for an extension will be subject to the Special Use Authorization modification provisions of this Article.

- H. Should the Special Use Authorization not be in compliance at any time with any of the conditions specified by the Planning Commission and/or the building/use permit, then zoning enforcement action shall be taken to correct the violation(s). Unabated non-compliance may result in the matter being heard at a public hearing before the Planning Commission to either modify the Special Use Authorization or revoke the Special Use Authorization approval.

#### **1716.04 Appeal of Special Use Authorization Decisions**

- A. The decision of the Planning Commission is deemed to be the final County action on the issue unless that decision is appealed within 15-calendar days following the date of the decision. Any appeal shall be submitted for review by the Board of Supervisors at a public hearing to be scheduled within 60- calendar days of receipt of the appeal. An appeal may be filed by the Applicant, by any other person aggrieved in any manner by the decision, or by the County Zoning Inspector if the Inspector believes an error was made.
- B. An appeal is filed by submitting a written notice of appeal to the County Zoning Inspector, together with an appeal fee in accordance with the adopted fee schedule. If the appeal is filed by the County Zoning Inspector, no fee is required. The notice of appeal shall include the following:
  - 1. An identification of the decision being appealed.
  - 2. A complete statement of all reasons why the appellant believes that the decision, or any part of the decision, was erroneous, arbitrary, capricious, or an abuse of discretion; and
  - 3. Written presentation of additional testimony and evidence, a full explanation of the additional testimony and evidence that will be submitted, with an explanation of why this was not presented to the Planning Commission.
- C. Upon receipt of an appeal, the County Zoning Inspector or designee shall compile the record of the proceeding and submit this to the Board of Supervisors with the appeal documents.

The Board shall send to the appellant and the Special Use Authorization Applicant if they differ, a notice of the designated date of the public hearing. The date of decision shall be not more than 90-calendar days following the submittal of the notice of appeal. Notice of the public hearing shall be given in the same manner as the original application.

Following its deliberations on the date of the decision, the Board of Supervisors shall either affirm, reverse, or modify the decision of the Planning Commission. The factual and legal basis for the decision shall be specifically stated by the Board. The Clerk shall record the basis for the decision and shall provide a copy to the appellant, Special Use Authorization Applicant, and to the Planning Commission.
- D. If the Special Use Authorization request is approved, the County Zoning Inspector shall issue the permit, subject to all applicable conditions; provided, however, that if the Applicant does not accept in writing the conditions within 30-calendar days of approval, the permit shall be deemed null and void.
- E. In the case of an appeal of a charter school, decisions on the appeal shall be made in the time period specified in Arizona Revised Statutes.

#### **1716.05 Modifications of A Special Use Authorization Approval**

- A. The property owner or Applicant to whom the Special Use Authorization approval was granted may request a modification of the approval in writing to the County Zoning Inspector along with the appropriate fee.
- B. The County Zoning Inspector shall determine whether the requested change is a substantial modification or within the scope of the original notice and approval.
- C. If the change is insubstantial and within the general purview of the original notice and approval, the County Zoning Inspector may grant the modification.
- D. If the requested change is substantial and is not within the general purview of the original notice or approval, then the matter shall be decided at a public hearing before the Planning Commission, and notice given in like manner as the original Special Use Authorization request.

#### **1717 ACCESSORY LIVING QUARTERS (ALQs)**

##### **1717.01 Purpose**

The purpose of this section of the Zoning Regulations is to provide development standards and approval procedures for Accessory Living Quarters in a manner that increases housing options and affordability while preserving the character of residential and rural districts.

##### **1717.02 Applicability**

Accessory Living Quarters are allowed where listed as a permitted accessory use.

##### **1717.03 Development Standards**

Approval of Accessory Living Quarters shall require compliance with the following standards:

- A. ALQs must be equal to or lesser in height than the existing principal dwelling.
- B. ALQs are limited in size to a maximum of 50% of the livable square footage of the principal dwelling or 1,000 square feet, whichever is less.

##### **1717.04 Restrictions**

- A. No more than one ALQ per lot or parcel
- B. No more than one kitchen per unit (detached living structures)
- C. ALQs shall not be subdivided or otherwise segregated in ownership from the principal dwelling unit.
- D. ALQs shall not have a separate address or mailbox from the principal dwelling.
- E. Recreational vehicles, railroad cars, and camper shells are not permitted for use as an ALQ in any zoning district.
- F. Manufactured homes and rehabilitated mobile homes may be permitted as an ALQ only in those Zoning Districts where they are a permitted use

##### **1717.05 Special Use Authorization Required.**

- A. Long-term rental or lease of an ALQ separately from the primary residence.
- B. Use an ALQ for commercial purposes or for any use other than a permitted home occupation.

- C. Any deviation from the development standards contained in this section.

#### **1717.04 Application Submittals**

- A. A properly completed and filled-out Accessory Living Quarter application to the Cochise County Development Services Department.
- B. Processing fee
- C. Plot plan and narrative illustrating conformance with the development standards for ALQs.

#### **1717.07 Occupancy**

The owner of the parcel shall live either in the primary dwelling or Accessory Living Quarters as their primary residence.

#### **1717.08 Legal Non-Conforming Lots**

Accessory Living Quarters are permitted accessory use on substandard legal, non-conforming lots in Zoning Districts that permit Accessory Living Quarters subject to the applicable process.

#### **1717.09 Action by The County Zoning Inspector and Appeal**

The County Zoning Inspector shall review all complete ALQ applications to determine compliance with the Zoning Regulations. Following this review, a permit for an Accessory Living Quarter may be issued by the County Zoning Inspector. The County Zoning Inspector shall approve, conditionally approve, or deny the application. If the permit application is denied, the individual making the request shall have the right to appeal to the appropriate Board of Adjustment as any other appeal of the County Zoning Inspector's determinations.

#### **1718 CRITERIA FOR ISSUING PERMITS FOR RESIDENTIAL CARE HOMES OR RESIDENTIAL CARE INSTITUTIONS THAT PROVIDES CARE FOR JUVENILES.**

A Residential Care Home or Institution that is primarily intended to provide special care to juveniles who are or have been subject to juvenile court proceedings will be permitted under the following conditions:

- A. The "Program Description" for the home, as approved by each State agency with jurisdiction over this home and as agreed to by each entity that may contract with the operators for services at that site, shall prohibit the placement of juveniles who are designated as violent offenders or whose presence would be a risk to the safety of the neighboring public; and
- B. Either of the following:
  - 1. Either the juvenile does not have any prior record of conviction as an adult for any crime or conviction as a juvenile for any violent crime, burglary, arson, abuse of animals, any sex crime involving moral turpitude, or the sale of drugs or other narcotic substances regulated by law in Arizona Revised Statutes or
  - 2. The judge or Planning Commissioner of a court with jurisdiction over each juvenile at home has made a finding of fact that the juvenile does not present an imminent danger to either

himself or to others and that this residential setting is appropriate for that juvenile.

As a condition for any such use, the operator of the Residential Care Home shall provide, upon request, confirmation to appropriate County officials that these conditions have been met.

## **1719 HOME OCCUPATIONS**

### **1719.01 Purpose**

The purpose of this Section of the Zoning Regulations is to provide standards and approval procedures for Home Occupations in a manner that provides opportunities for small scale business to be operated from a residence while preserving the character of the residential and rural districts.

### **1719.02 Applicability**

Home Occupations are allowed where listed as a permitted accessory use.

### **1719.03 Development Standards**

- A. The Home Occupation may occupy an area no greater than one-quarter ( $\frac{1}{4}$ ) of the floor area of the residence, whether occurring within the residence or in a detached structure.
- B. Employees Allowed:
  - 1. Residents of the primary dwelling.
  - 2. Immediate family members, including spouse, child, sibling, parent, grandparent, grandchild, stepchild, or stepsibling, whether related by adoption or blood.
  - 3. Maximum of two individuals who do not meet the criteria B.1 or B.2
- C. Any outdoor display or storage of materials, goods, supplies, or equipment shall be prohibited other than the signs noted below.
- D. The generation of noise, vibrations, noxious odors, dust, heat, or glare detectable beyond any property line or the storage or use of hazardous materials of a type and amount that could create safety concerns or are not appropriate to dispose of in residential garbage or sewer systems is prohibited.
- E. No parking or delivery activity that causes on-street parking congestion or a substantial increase in traffic through the residential area.
- F. There shall be no change to the residential appearance of the premises.
- G. There shall be allowed one on-site non-illuminated permanent sign not to exceed four square feet with a maximum height of five feet and vehicular signs.

### **1719.04 Application Submittals**

- A. A properly completed and filled out Home Occupation application to the Cochise County Development Services Department
- B. Processing Fee
- C. Plot plan and narrative illustrating conformance with the development standards for Home Occupations.

## **1720 TEMPORARY USES**

The following regulations shall govern the operation of certain transitory or seasonal uses:

### **1720.01 Permits**

Application for a temporary use permit shall be made to the County Zoning Inspector at a minimum of 10-working days prior to the event; applications shall include the following:

- A. A description of the property to be used, rented, or leased for the temporary use, including all information necessary to accurately portray the property.
- B. A site plan and description of the proposed use.
- C. Sufficient information to determine setback requirements, sanitary facilities, and availability of parking space to service the proposed use; and
- D. The applicable fee is specified in the fee schedule as adopted by the Board of Supervisors.

### **1720.02 Conditions for Issuance of Temporary Use Permits**

Temporary use permits may be issued by the County Zoning Inspector for the uses specified in this section, provided that the location of structures, buildings, or equipment; vehicular ingress and egress and traffic circulation; parking areas; and on-site facilities are so located and arranged to avoid traffic congestion, to protect the safety and welfare of the public, and to avoid adverse effects on surrounding properties. The County shall take action as may be necessary and appropriate to abate any public nuisance that results from a failure to comply with the terms and conditions of a temporary use permit issued by the County.

### **1720.03 Particular Temporary Uses Permitted**

Upon obtaining a temporary use permit, the following temporary uses shall be permitted, subject to the following standards and/or other standards imposed by the County Zoning Inspector to mitigate off-site impacts:

- A. Contractor's Office, Security Dwelling, or Other Temporary Dwelling During Construction of a Building.

Temporary buildings, manufactured homes, and recreational vehicles used in conjunction with construction work only during the period of such construction, subject to the following:

- 1. Permitted in all Zoning Districts.
- 2. Any use permit approved for such temporary building manufactured home or recreational vehicle shall be limited to a period of time as an open building permit on the parcel where the temporary use is granted.
- 3. Such temporary building manufactured home or recreational vehicle shall be removed from the property upon the expiration of the approved building permit or within 10-calendar days after completion of the construction work.

- B. Contractor's Construction Equipment Storage

Temporary uses, such as the cutting and storage of lumber or the storage of building materials and construction equipment in conjunction with construction work only during the period of such construction, subject to securing a building permit and the following:

1. Permitted in all Zoning Districts.
2. Any use permit approved for such temporary use shall be limited to a period of time of such approval; said permit may be renewed thereafter as approved by the County Zoning Inspector upon receipt of satisfactory evidence indicating that the need for such temporary use continues to exist.
3. Unless such a use permit is renewed, such temporary use shall cease and desist upon the expiration of the previously approved building permit or within 10-calendar days after completion of the construction work, whichever occurs first.

C. Temporary Subdivision Sales Offices

1. Permitted in all Zoning Districts.
2. Such office shall be located on the property being subdivided for sale as individual lots, and its use shall be limited to the sale of these lots.
3. Such office shall be subject to the site development standards for the district in which it is located.
4. Any use permit approved for such office shall be limited to a period of time not to exceed 2-years from the date of such approval; said permit may be renewed for periods of 1 year thereafter if less than 80 percent of lots in the property being subdivided have been sold.
5. Such office shall be removed from the property being subdivided upon the expiration of the previously approved use permit unless such use permit is renewed or when 80 percent of the lots in said property have been sold, whichever occurs first.

D. Carnival or Circus

1. Permitted in all Zoning Districts except SR, SM, R, MR, and RU in Neighborhood Conservation or Neighborhood Rehabilitation plan designations.
2. The maximum length of the permit shall be 15-calendar days.
3. No structure or equipment shall be located within 300 feet of an existing residence.

E. Christmas Tree Sales

1. Permitted in all Zoning Districts, except SR, SM, R, MR, and RU districts in Neighborhood Conservation or Neighborhood Rehabilitation plan designations. Christmas tree sales are permitted in Planned Development Districts only in those areas designated on approved plans as neighborhood commercial centers.
2. The maximum length for display and open lot sales of Christmas trees shall be 45-calendar days. Unsold trees shall be removed from the site at the end of the 45-calendar day period.

F. Events of Public Interest

1. Permitted in all districts.
2. Including, but not limited to, outdoor art and crafts shows and exhibits, farmers' markets, outdoor concerts, outdoor revivals, rallies, and outdoor charity events.
3. The maximum length of a temporary use permit on a specific parcel that is not occupied by a community park, community center, or school shall be seven-consecutive days, plus an additional four calendar days for set-up and dismantling, within any three-month period.
4. No structure, equipment, or display shall be located within 300 feet of an existing residence on an adjacent property unless written permission is granted by the adjacent property



owner.

5. Longer events of public interest, up to six consecutive weeks within a six-month period, may be allowed, subject to approval by the Board of Supervisors. Upon receipt of a completed application, the County Zoning Inspector shall submit it to the Board of Supervisors for consideration and action. Prior to acting on approving or denying the temporary use permit, the Board shall:
  - a. Hold one public hearing thereon after at least 15-calendar days' notice by one publication in a newspaper of general circulation in the County seat and by posting the area included in the proposed temporary use(s).
  - b. Send notice by first class mail to each owner of real property, as shown on the most recent available records of the last property tax assessment, located within 300- feet of the proposed area of the proposed temporary use(s), and to each County and municipality which is contiguous to the area of the proposed temporary use(s). The County Zoning Inspector may expand the mailed notification area to greater than a 300-foot radius at the time of application acceptance if there are compatibility concerns associated with the request.

**G. Outdoor Retail Sales of Products**

1. Permitted only in: GB, LI, and HI Zoning Districts; R-36, R-18, and RU districts not located in Neighborhood Conservation or Neighborhood Rehabilitation Plan designations.
2. The maximum length of the permit shall be 7-consecutive days in any 3-month period, and merchandise and display areas must be removed after this time period.

**1720.04 Uses Requiring No Permit**

The following temporary uses shall be permitted in any Zoning District (unless otherwise stated) and require no temporary use permit.

- A. Yard sales.
- B. Sidewalk or parking lot sale by merchants.
- C. Horse shows or exhibits for special events or at commercial stables.
- D. Sale of farm produces on- premises.
- E. Bake sales, rummage sales, car washes, and similar activities for religious, educational, or other charitable purposes.
- F. Temporary filming on location for television, videos, or motion pictures.
- G. Mobile carts or vehicles accessory to an existing permitted non-residential use in a non-residential Zoning District or at a permitted non-residential or approved subdivision construction site for the duration of construction, provided existing parking, loading zones, or driveways are not obstructed. Please note: Health Department requirements must still be met.
- H. Customarily accessory indoor/outdoor events in permitted non-residential facilities with no significant off-site impacts.
- I. Recycling Drop-Off Receptacle, accessory to an existing permitted non-residential use in a non-residential Zoning District, provided existing parking, loading zones, or driveways are not obstructed.

## **1721 MINOR LAND DIVISIONS**

### **1721.01 Intent**

The intent of this Ordinance is to provide for the orderly growth and harmonious development of Cochise County by prescribing certain minimum requirements regulating the conditions under which minor divisions of land within Cochise County may be permitted and by establishing a review procedure for minor divisions of land within Cochise County.

### **1721.02 Purpose**

The purpose of this ordinance is to provide a process to divide the land into five (5) or fewer lots, tracts, parcels, sites, or divisions, any of which is ten (10) acres or smaller in size, with a level of review to ensure the division of land complies with zoning regulations and does not constitute a subdivision of six or more lots as defined by Arizona Revised Statutes (A.R.S.). This ordinance is not intended to prohibit or prevent the division of land as otherwise authorized and permitted by the A.R.S. and Cochise County Zoning Regulations and Subdivision Regulations but to allow for staff review and approval of minor land divisions.

### **1721.03 Permit Required**

- A. No land may be divided into five or fewer lots, parcels, or fractional interests, any of which is ten acres or smaller, unless a minor land division permit has been issued by Cochise County.
- B. The lots, parcels, or fractional interests may not be a part of a County-approved subdivision plat.
- C. Payment of an applicable minor land division fee, in accordance with the adopted fee schedule, is required as a condition of obtaining a minor land division permit.

### **1721.04 Jurisdiction**

The provisions of this ordinance shall apply to all divisions of land located within the unincorporated territory of Cochise County, excluding lands outside the authority of Cochise County.

### **1721.05 Application Submittals**

The applicant must submit a properly completed and filled-out minor land division application to the Cochise County Development Services Department along with the associated processing fee and any required supporting documentation for staff review as set forth below.

- A. Names, addresses, and telephone numbers of all parties of interest to the division
- B. A statement from a registered land surveyor, or other evidence acceptable to the county, stating whether each lot, parcel, or fractional interest has physical access that is traversable by a two-wheel drive passenger motor vehicle.
- C. Survey Map: The legal descriptions and map shall be prepared by a Registered Land Surveyor (R.L.S) and comply with all state and County standards in a format acceptable to the County Recorder and shall include:
  - 1. A standard engineering scale is not to exceed 1" = 200' (one inch equals 200 feet). The scale used must be indicated.

2. A north arrow.
3. Area and dimensions of all proposed lots, parcels, or fractional interests.
4. The current zoning of the parcels proposed is to be divided.
5. A public or private road, or a private driveway easement, as defined by the Cochise County Road Design & Construction Standards & Specifications for Public Improvements, shall provide legal access to each parcel.
  - a) A private easement with a minimum width of twenty-four (24) feet. A private easement will be considered legal access only if it runs with the land and expressly allows ingress and egress by any utility company providing services to the new lot or parcel, any provider of emergency services (fire, police, ambulance, etc.) to the new lot or parcel, and any public official (building inspector, health inspector, etc.) requiring ingress and egress to the new lot or parcel in connection with the official's lawful duties.
  - b) Public roads to be maintained by Cochise County shall be constructed to the standards included in the Road Design & Construction Standards & Specifications for Public Improvements and then adopted or accepted by the County Board of Supervisors prior to the sale of any of the divided lots.
6. Location and width of all easements within and bordering the minor land division.
7. Location, width, and designation of roads bordering the property indicate whether they are public or private.

#### **1721.06 Definitions**

- A. "Minor Land Division" means land or lands that are proposed to be divided for purposes of sale or lease into five (5) or fewer lots or parcels.
- B. "Subdivision" or "subdivided lands":
  1. Means improved or unimproved land or lands divided or proposed to be divided for the purpose of sale or lease, whether immediate or future, into six or more lots, parcels, or fractional interests.
  2. Includes a stock cooperative, lands divided or proposed to be divided as part of a common promotional plan, and residential condominiums as defined by ARS.
- C. "Legal access" means a public right of vehicular ingress and egress between the lots, parcels, or fractional interests being created.
- D. "Minimum applicable county zoning requirements" means the minimum acreage and dimensions of the resulting lot, parcel, or fractional interest as required by the County's zoning ordinance.
- E. "Utility easement" means an easement of a minimum of eight (8) feet in width dedicated to the public to install, maintain, and access sewer, electric, gas, and water utilities.

#### **1721.07 Review Criteria**

An application to split a parcel of land shall be approved if the following items are submitted for review by the Development Services Department and found to be complete:

- A. Each newly created parcel must meet the minimum zoning requirements of the applicable zoning designation.



- B. The applicant demonstrates legal access to the lots, parcels, or fractional interests.
- C. The applicant provides a statement from a licensed surveyor or engineer, or other evidence acceptable to the county, stating whether each lot, parcel, or fractional interest has legal, physical access that is traversable by a two-wheel drive passenger motor vehicle, and
- D. The applicant reserves the necessary and appropriate utility easements to serve each lot, parcel, or fractional interest created by the land division.

#### **1721.08 Action by The Development Services Department**

Upon receipt of the submitted documents, the Development Services Department shall review them to determine their completeness. If the application is complete, it shall be date-stamped, showing the day it arrived complete. If the submitted documents and information are found to be incomplete or insufficient, the applicant shall be notified of the deficiencies. The application will not be formally accepted for processing until the missing items are submitted.

Upon receipt of the completed application, the Development Services Department shall:

- A. Distribute the submitted application for review and comment to the appropriate departments as deemed necessary by the Development Services Director.
- B. Review the submitted survey map and supplemental information to determine compliance with the Zoning and Subdivision Regulations and prepare its report, which shall include comments received from other departments.
- C. Based on the above findings, the Development Services Director shall then approve, conditionally approve, or deny the application within thirty (30) business days from the date a completed application was filed unless the applicant consents to an extension of the review period in writing. If a review of the request is not completed within thirty business days from receipt of the request, the land division shall be deemed approved.
- D. The County may not deny approval of any land division that meets the requirements of this section or where deficiencies are noticed in the deed. If an applicant chooses to record a minor land division survey without an approved permit, any-and-all deficiencies shall be noticed in the deed, including noncompliance with the requirement for legal access and/or noncompliance with applicable zoning regulations.
- E. The County may not require a public hearing on a minor land division request.

#### **1721.09 Permit Recordation**

- A. Recordation with Approval - After approval of a Minor Land Division Permit, it shall be recorded at the County Recorder's Office along with any attached supplementary information. Recordation must occur within six (6) months of the approval by the Development Services Department, or the approval shall lapse and become void. If the minor land division permit is approved, the Development Services Director shall enter the following certification on the approved permit: "Notice is hereby given that the parcels of real estate created by the division recorded pursuant to this document are in conformance with all the provisions of the Minor Land Division Ordinance of Cochise County and meets all statutory requirements for recording."

- B. Recordation without Approval - Pursuant to the provisions of Arizona Revised Statutes, Section 11-831. C, recordation of a division of land may not be denied for non-compliance with the requirement for legal access or compliance with applicable zoning regulations. However, all such deficiencies are required to be noticed in full, detailed description in all deeds. Should an applicant choose to record a Minor Land Division survey without a permit approved by the Development Services Director, any deficiencies are required to be noticed in full, detailed description in all deeds.

“Notice is hereby given that the parcels of real estate created by the division recorded pursuant to this document either does not conform to the zoning regulations in force at the time of recordation, does not have adequate provision for access to public utilities, or that no legal access exists in accordance with the provisions of the Minor Land Division Ordinance of Cochise County. In consequence, any and all Cochise County Development permits may be denied until such time as deficiencies relative to this parcel are corrected.”

#### **1721.10 Removal of Deficiencies from The Deed**

Where access or zoning deficiencies are corrected through zoning change, variance, or acquisition of property for access, it shall be the responsibility of the property owner to remove the deficiencies. All removal of deficiencies shall be subject to the approval of the Development Services Director prior to recording.

#### **1721.11 Acting in Concert**

It shall be unlawful for a person or group of persons acting in concert to divide a parcel of land into six (6) or more lots or sell or lease six (6) or more lots by using a series of owners or conveyances in an attempt to avoid the provisions of this ordinance. This provision may be enforced by the County Attorney’s Office or the Arizona Department of Real Estate, or both, pursuant to the laws of the State of Arizona.

#### **1721.12 Penalties**

Any deficiencies related to legal access or minimum County zoning will not prevent the approval of a Minor Land Division Permit but shall result in the withholding of any Cochise County permits for development until such time as deficiencies relative to the parcels created by the Minor Land Division are corrected. All such deficiencies are required to be noticed in full, detailed description in all deeds.

# ARTICLE 18

## SITE DEVELOPMENT STANDARDS

### 1801 PURPOSE

It is the intent of this article to set forth specific criteria, known as site development standards, with which all uses in all Zoning Districts must comply unless otherwise exempted in these Zoning Regulations. These standards are designed to protect surrounding properties from adverse impacts of the proposed use.

### 1802 IDENTIFICATION OF SITE DEVELOPMENT STANDARDS

Site development standards applicable to each use in a Zoning District are found in the appropriate Article in these Zoning Regulations for that Zoning District and in this Article. They shall include, but are not limited to:

- 1802.01 Minimum Site Area and Maximum Density.
- 1802.02 Maximum Height, see applicable Zoning District.
- 1802.03 Setbacks, see applicable Zoning District. Setback Area and Easements, see Section 1803.
- 1802.04 Maximum Site Coverage; see applicable Zoning District.
- 1802.05 Distance Between Buildings, see applicable Zoning District.
- 1802.06 Screening, see applicable Zoning District and Section 1805.
- 1802.07 Off-Street Parking and Loading, see Section 1804.
- 1802.08 Landscaping, see Section 1806.
- 1802.09 Street Improvements, Access, and Traffic Circulation see Section 1807.
- 1802.10 Sewage Disposal and Water Requirements, see Section 1808.
- 1802.11 Floodplain and Drainage Requirements per Cochise County Floodplain Regulations, see Section 1809.
- 1802.12 Reserved for future use.
- 1802.13 Outdoor Storage, see Section 1811.
- 1802.14 Mobile Home, Manufactured Home, and Recreational Vehicle Parks see Section 1812
- 1802.15 Communications Facilities, see Section 1813.
- 1802.16 Reserved for future use.
- 1802.17 Keeping of Livestock, see Section 1815.
- 1802.18 Swimming Pools, see Section 1816.
- 1802.19 Golf Courses, see Section 1



- 1802.20 Land Clearing, see Section 1818.
- 1802.21 Water Conservation Measures, see Section 1819.
- 1802.22 Human Remains Protection, see Section 1820.
- 1802.23 Wind Energy Systems, see Section 1821.
- 1802.24 Wind Energy Power Plants, see Section 1822.
- 1802.25 Solar Energy Systems, see Section 1823.
- 1802.26 Solar Energy Power Plants, see Section 1824.
- 1802.27 Marijuana Uses, see Section 1825.

#### **1802.01 Minimum Site Area and Maximum Density**

- A. Minimum Site Area – The minimum area of a site upon which a specific use(s) may be permitted
  - 1. Easements may be included in the calculation of the minimum site area.
    - a. Property that is transferred in fee simple to the public or to the County, as necessary to perfect adequate right-of-way for those roadways depicted on the Cochise County Maintained Road System Map, or right-of-way acquired by the County, or another public entity for some other public purpose, may also be included in the calculation of the minimum site area.
    - b. A permit may be issued if the minimum site area deficiency can be attributed to surveyor error, as denoted the the table below.
  - 2. See applicable Zoning District for additional information
- B. Maximum Density, see application Zoning District

#### **Minimum Site Area Deficiency Table**

<b>Zoning</b>	<b>Density</b>	<b>Square Feet:</b>	<b>Margin of Error 0.00125 (Square Feet)</b>	<b>Min. Parcel Size Square Feet</b>	<b>Min. Parcel Size Acres</b>
RU	RU-2	87,120	108.9	87,011.10	1.9975
	RU-4	174,240	217.8	174,022.20	3.995
	RU-10	435,600	544.5	435,055.50	9.9875
	RU-18	784,080	980.1	783,099.90	17.9775
	RU-36	1,568,160	1,960.20	1,566,199.80	35.955
R	R-9	9,000	11.25	8,988.75	0.2064
	R-18	18,000	22.5	17,977.50	0.4127
	R-36	36,000	45	35,955.00	0.8254
SM	SM-9	9,000	11.25	8,988.75	0.2064
	SM-18	18,000	22.5	17,977.50	0.4127
	SM-36	36,000	45	35,955.00	0.8254



SM	SM-87 (2-acres)	87,120	108.9	87,011.10	1.9975
	SM-174 (4-acres)	174,240	217.8	174,022.20	3.995
	SM-10 Acres	435,600	544.5	435,055.50	9.9875
	SM-18 Acres	784,080	980.1	783,099.90	17.9775
	SM-36 Acres	1,568,160	1,960.20	1,566,199.80	35.955
SR	SR-8	8,000	10	7,990.00	0.1834
	SR-12	12,000	15	11,985.00	0.2751
	SR-22	22,000	27.5	21,972.50	0.5044
	SR-43	43,560	54.45	43,505.55	0.9988
	SR-87 (2-acres)	87,120	108.9	87,011.10	1.9975
	SR-174 (4-acres)	174,240	217.8	174,022.20	3.995
	SR-10 Acres	435,600	544.5	435,055.50	9.9875
	SR-18 Acres	784,080	980.1	783,099.90	17.9775
	SR-36 Acres	1,568,160	1,960.20	1,566,199.80	35.955
MR	MR-1 or 2	3,600	4.5	3,595.50	0.0825

### **1803 STANDARDS APPLICABLE TO SETBACKS. SEE ARTICLE 2 FOR DEFINITIONS.**

#### **1803.01 Setback Area**

The setback area may contain parking areas or loading spaces subject to the requirements of Section 1804.06. The setback area may also contain landscaping, walkways, courtyards, driveway entrances (except as noted in Section 1804.06.F.2), open space, leisure activity areas, walls, fences, flagpoles, and screening. In residential areas, the setback may also include swimming pools (see Section 1816), gardens, playground equipment, clotheslines, and storage incidental to the principal dwelling.

#### **1803.02 Projections into Required Setback Area**

Projections of structures into a required setback area shall not be allowed, except that on residentially developed sites:

- A. Cornices, eaves, and awnings may project not more than three feet over any required setback area, provided they are not closer than two feet to any property line.
- B. Window-type refrigeration units, suspended evaporative coolers, and furnaces attached to solar and similar equipment used for the dwelling may project not more than five feet into the required setback area, provided they are not closer than two feet to the property line.



### **1803.03 Rules Pertaining to Setback Areas**

- A. No space needed to provide a setback area may be sold, leased, bequeathed, or otherwise transferred apart from the site if the transfer would result in the site failing to comply with all applicable requirements of these Zoning Regulations, except that this section shall not apply to prohibit governmental acquisitions of property or the use of remaining property after such acquisitions.
- B. Adjustments – Lot Line and Common Wall Subdivisions  
Setback areas between lots or parcels in a platted subdivision may be reduced or eliminated, thereby permitting lot line and common wall subdivisions so long as appropriate setback areas are maintained at the perimeter of the subdivision.
- C. Other Adjustments – Sharing Setback Areas  
An owner of a site may enter into agreements with abutting landowners recorded on both properties in the office of the County, the Recorder to provide some or all the required setback area for both land uses, so long as the total setback equals the total requirement for both uses. The setback sharing agreement shall apply to the entire length of the affected property line and shall be binding on any future successors or assigns of the affected subject properties.

### **1803.04 Rules Pertaining to Easements**

No structures shall be permitted within public easements.

## **1804 OFF-STREET PARKING AND LOADING**

### **1804.01 Purpose**

To alleviate traffic congestion and to provide for the parking of motor vehicles in all Zoning Districts, off-street parking and loading facilities shall be provided for buildings and uses erected or established after the date of these Zoning Regulations and for existing buildings and uses which are extended, enlarged, or changed thereafter.

### **1804.02 Basic Requirement for Off-Street Parking**

- A. Off-street parking shall be provided for any new building constructed or for any new use placed on a site. Parking must be established prior to operation and shall be maintained for the duration of the use.
- B. Whenever the use or area of an existing building is changed, additional off-street parking for the increased area or the use shall be provided in conformance with the standards set forth in Section 1804.
- C. The owner or occupant of an existing or proposed building or use subject to off-street parking requirements shall not discontinue or reduce any existing required parking area without first having established other parking space that meets all Zoning regulations' requirements.
- D. The use of any off-street parking space as required under these Zoning Regulations for storing merchandise, vehicles for sale or rent, or repairing vehicles shall be prohibited.

- E. Parking areas used for activities operating during hours of darkness shall be lighted, and all lighting must comply with Article 16.

#### **1804.03 Methods of Providing Required Off-Street Parking**

Subject to location requirements under Section 1804.06, required off-street parking may be provided by any one or combination of the following methods:

- A. By providing the required parking space on the same site as the building or use being served.
- B. By the collective provision of required parking for two-or-more buildings or uses, whereupon the total of such parking shall be not less than the sum of the requirements for the several buildings or uses computed separately; provided, however, that if two or more of such buildings or uses have operating hours that do not overlap, the County Zoning Inspector may grant a reduction of individual and collective requirements based upon the special circumstances involved. A written contract for joint use of such facilities shall be executed between the parties concerned, and a copy filed with the County Zoning Inspector.
- C. By securing the consent to use off-street parking facilities under another's ownership, which is not otherwise used or required during the principal operating hours of the proposed building or use, provided. However, that consent shall be in written form and a copy filed with the County Zoning Inspector. In the case where off-street parking is proposed on an adjoining property but in a different Zoning District, the County Zoning Inspector shall make a determination that the parking in the adjoining district would not create any additional adverse impacts within that district. In the event the off-site spaces are or become unavailable, the owner shall provide additional parking to meet the requirement.
- D. Where parking is provided on a different site than the building or use as indicated above, the off-site area used shall not be used in computing the actual site area of the use or in satisfying any other site development standards than the provision of the parking area.

#### **1804.04 Computation of Off-Street Parking Area**

- A. The minimum parking area for a site is the total area containing the required number of spaces plus that area required under Section 1804.09 (Parking Area Design Standards) for maneuvering vehicles.
- B. Where more than one use or activity takes place on a site, each of which would generate a different parking need according to the schedule in Subsection 1804.05 and each of which has a separate or definable floor area or area of use, the minimum required off-street parking area shall be the sum of the individual requirements for the several uses computed separately. Where it is not feasible to separate the uses on the site, the required off-street parking area shall be determined by the County Zoning Inspector.
- C. When the computation of parking requirements results in a fractional requirement, any fraction of less than one-half shall be disregarded, and any fraction of one-half or more shall be counted as one space.
- D. To calculate parking requirements related to fixed seating, each seat shall be 18-inches wide.
- E. Service bays are not considered a parking space.



#### **1804.05 Schedule of Required Off-Street Parking**

The minimum number of off-street parking spaces required for buildings, structures, and uses shall be determined according to the following schedule. For use not specifically listed, requirements shall be determined by the County Zoning Inspector.

<b>USE</b>	<b>Minimum Off-Street Parking Spaces Required</b>
<b>RESIDENTIAL</b>	
Single-Household Dwellings, including Mobile Homes and Manufactured Homes	1-per dwelling unit
Multiple-Household Dwellings	2-per dwelling unit
Group Quarters	1-per five-beds
Recreational Vehicle Parks	1-per-lot space
Accessory Recreational Facilities	1 per 3,000-square feet of residential site area
<b>COMMERCIAL/OFFICE</b>	
Motels, Hotels, Resorts, Guest Ranches, Group Camps	1-per guest room or suite of rooms plus 1 per three- employees in the largest working shift
Restaurants, Bars, Taverns, Nightclubs, Winery Tasting Rooms	1 per 50-square feet of floor area, excluding areas designed for restrooms, storage, service, or other non-public purposes
Automobile Service Stations	1-per-service bay
Vehicle/Mobile or Manufactured Home Sales Lots	1 per 200-square feet of enclosed customer circulation area plus 1-per service stall
Furniture Stores, Commercial Plant Nurseries, and Swap Meets	1 per 1,000-square feet of gross sales area,
Shopping Centers	5-spaces for each 1,000-square feet of gross leasable floor area
Grocery Stores, Other Retail Trade of Merchandise, including Convenience Stores	1 per 250-square feet of gross floor area in Category A and B Areas; 1 per 350-square feet in Category C and D Areas
Business Offices, Personal, Professional Services, Repair Services, Veterinary Clinics, Animal Hospitals	1-per 250-square feet of gross floor area in Category A and B Areas; 1-per 350-square feet in Category C and D Areas
Hospitals, Residential Care Institutions	1-per two-patient beds plus 1-per 2-employees on the largest working shift
Animal Husbandry Services	1-per 500-square feet of gross floor area
Day Care Facilities, Day Care Establishments, Residential Care Facilities	1-per 5-persons of licensed capacity plus 1-per employee on largest working shift
Mini-Warehouses	1 per 250-square feet of business office area in Category A and B Areas; 1 per 350-square feet in Category C and D Areas. To provide additional loading areas, the minimum width of access drives between buildings shall be 24 feet
Junkyards	1-per each 50,000-square feet of storage area plus 1-per employee on largest working shift
Impound Storage Yards	1-plus 1-per employee of largest working shift



#### Unmanned Facilities

12-foot-wide unimproved driveway with one  
9-foot by 19-foot unimproved parking space

#### **EDUCATION/PUBLIC ASSEMBLY**

Grades K-8

1.5-per classroom

College and Vocational Schools

12-per classroom

Other

1-per 500-square feet of gross floor area

Churches or Places of Religious Worship

1-per 4-seats of maximum capacity in the  
sanctuary area

Welfare and Charitable Services, Civic, Social,

1-per 500-square feet of gross floor area

Fraternal and Business Associations

Cultural, Historical, Nature Exhibits, and Stockyard/

1-per 500-square feet of gross floor area and  
exterior exhibit area

Auction Sales

Recreational Facilities, Indoor, and Outdoor

1-per 5-fixed seats or 1-per 5-persons at  
expected maximum capacity if seating is  
unfixed or a combination thereof

Shooting and Golf Driving Ranges

1-per station

Theaters

1-per 3-seats of spectator seating

Fairgrounds, Amusement Parks

1 per 1,000-square feet of site area

Bowling Alleys

4-per lane

Tennis, Racquetball, Handball Courts

2-per court

Health Clubs

1-per 250-square feet of gross floor area

Golf Courses

3-per golf hole plus 1 per employee

Jails, Prisons, Offender

1-per every 25 inmates of design capacity plus

Rehabilitation Facilities

1-per employee in the largest working shift

Cemeteries

1-per employee and ten additional spaces  
if no internal drives exist which can  
accommodate two passing vehicles

#### **INDUSTRIAL/OTHER**

Manufacturing, Wholesaling, Warehousing,

1 per employee plus 1 per 1,000-square feet

Distribution and Storage of Goods

of gross floor area or 1-per 3-employees in  
the largest working shift, whichever is greater

Contract Construction Services

1 per 1,000-square feet of gross floor or  
display area plus 1 per facility vehicle

Bus, Motor Freight, Taxi, Rail Terminals, and Airports

1-per 4-seats for waiting passengers plus

1-per 3- employees in the largest working  
shift

#### **1804.06 Restrictions as to Location and Placement of Non-Residential Parking Areas on A Site**

##### **A. Parking Areas – Location**

Required off-street parking areas shall be located on or off the site within 300 feet of the building or use it is intended to serve. The distance is measured from the nearest point of the building or use. For non-residential uses, some or all the required parking areas may be located more than 300 feet from the building or use if, in the opinion of the County Zoning Inspector, the developer has provided appropriate and adequate access for the disabled and a reasonably safe means of access from all designated parking areas.

##### **B. Parking Areas – Separation from Abutting Residential Zoning Districts**

Parking areas containing 10 or more parking spaces on a site directly adjacent to residentially- zoned sites shall be located no closer to the boundaries of such adjacent residentially zoned site unless that



site is currently developed with a non-residential use:

<b>Number Spaces for Proposed Use</b>	<b>Separation</b>
10-25 spaces	30-feet
26-75 spaces	40 feet
76 or more spaces	50-feet

Provided, however, that the above separation distances may be eliminated by the construction of a six-foot-high solid wall or fence at or near the boundary of the two sites.

C. Parking Area Within Site Boundary

Irrespective of the District in which it is located, every part of a parking area shall be set back from every site boundary at a sufficient distance to ensure that no part of any parked vehicle will project over any site boundary.

D. Access to Parking from a Street

There shall be no direct access to any off-street parking space from a street.

E. Access to Parking from an Alley

Any parking area may use an abutting alley for direct access to parking spaces. The developer may be required to improve the alley to the Cochise County, Highway & Floodplain, Road Design & Construction Standards & Specifications for Public Improvements.

F. Driveway Design and Location

1. Driveways to a parking area from a street shall be limited to definable entry and exit driveways.
2. No driveway entrance or exit to a parking area shall be located closer than 15 feet to an adjacent residentially zoned site.
3. The minimum width of a one-way driveway to a street shall be 12 feet. The minimum width of two-way driveways shall be 24 feet. For an unmanned facility where there will be no more than one vehicle servicing the equipment, a one-way driveway (12 feet wide) is acceptable.
4. For driveway access to streets, see Section 1807.02.

#### **1804.07 Parking and Loading Area Improvements**

A. Single-Household Dwellings and Unmanned Utility Facilities

Single-household dwelling sites and unmanned utility facilities shall be exempt from parking area surface improvement requirements.

B. Category A (Urban Growth) Areas

Except as noted below, every parking and loading area and all driveways for sites within a Category A (Intensive Growth) Area shall be paved with asphaltic concrete or with an equivalent or better material approved by the County Zoning Inspector. These shall be properly drained to prevent impoundment of surface water and shall conform to the design standards of Section 1804.09 herein. A two-inch thick gravel surface, or equivalent or better surface, if approved by the County Zoning Inspector, properly drained to prevent impoundment, shall be allowed if the site takes primary access off of a dirt or gravel road. If any of the roads accessed by the use are improved with a double bituminous surface treatment or better, any expansion of the use requiring a building permit or a change of use shall require that all existing and required additional parking and loading areas and



driveways be improved per the standards in this section within six- months from the date of building permit issuance for the expansion.

C. Category B (Community Growth) Areas

Except as noted below, every parking and loading area and all driveways for sites within a Category B (Community Growth) Area shall be paved with double bituminous surface treatment (modified pavement) or with an equivalent or better treatment approved by the County Zoning Inspector. These shall be properly drained to prevent impoundment of surface water and shall conform to the design standards of Section 1804.09. A two-inch thick gravel surface, or equivalent or better surface approved by the County Zoning Inspector, properly drained to prevent impoundment, shall be allowed if the site takes primary access off a dirt or gravel road. If any of the roads accessed by the use are improved with a double bituminous ("chip seal") surface treatment or better, any expansion of the use requiring a building permit or a change of use shall require that all existing and required additional parking and loading areas and driveways be improved per the standards in this section within six months from the date of building permit issuance for the expansion.

D. Category C (Rural Community Growth) and D (Rural) Areas

Except as noted below, every parking and loading area and all driveways for all sites in Category C (Rural Community Growth) Areas and Category D Areas shall be improved with a two-inch thick gravel surface or with an equivalent or better surface approved by the County Zoning Inspector and shall be properly drained to prevent impoundment of surface water. Parking areas with gravel surfaces need not be striped. If the lot is paved, it shall conform to the design standards of Section 1804.09.

**1804.08 Outdoor Storage and Display Area Improvements of Vehicles, Materials, or Equipment**

Areas of a site reserved or used for the outdoor storage and/or display of vehicles, materials, or equipment shall be improved with at least a dust-free, gravel surface or with an equivalent or better surface approved by the County Zoning Inspector. Permits are not required for structures in a permitted display area unless they are to be occupied. Permits are required for signs.

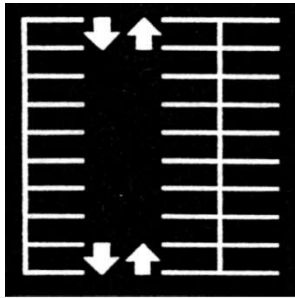
**1804.09 Parking Area Design Standards**

Except as otherwise specified herein, every required off-street parking space shall have a minimum width of nine feet and a minimum length of 19 feet, exclusive of driveways and aisles. The parking space length may include allowance for vehicle overhang of a curb or planter area up to a maximum of three feet, provided that the vehicle may not encroach upon a street, sidewalk, or another parking space, driveway, or parcel. The County Zoning Inspector may deviate from these measurements if there are unusual circumstances to warrant the deviation.

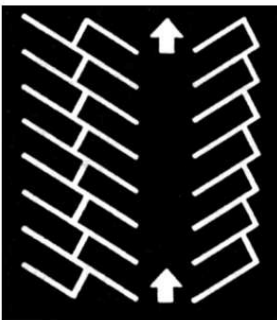
- A. Parallel parking spaces shall have a minimum width of nine feet and a minimum length of 22 feet.
- B. Angle parking shall be designed as illustrated in Figure 18-1.

- C. Row Ends: Dead space at the end of each row shall be clearly separated from any driveway or aisle and either landscaped or striped to prevent encroachment from vehicular traffic.
- D. First parking space for angle parking: 10-feet minimum distance from the property line to the beginning of the stall.
- E. Striping: Minimum requirement for marking parking spaces shall be single line striping four inches in width.
- F. Parking for the disabled, including an accessible route to the main entrance of the building that is the subject of these parking requirements, shall be provided in accordance with applicable State and Federal laws.

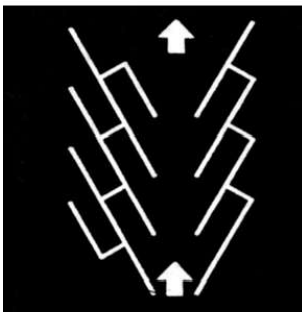
90° Parking Space Angle - 9' x 19' parking Space - Aisle Width 24.'



60° Parking Space Angle - 9' x 19' parking Space - Aisle Width 18.'



30° Parking Space Angle - 9' x 19' parking Space - Aisle Width 12.'



## **1804.10 Off-Street Loading Requirements**

### **A. Necessity**

In all Zoning Districts, for every use, building, or part thereof, erected or enlarged after the effective date of these Zoning Regulations, which is occupied or to be occupied by a use requiring receipt or distribution of materials or merchandise by motor truck, there shall be provided and maintained on the same site as the building or use, adequate off-street loading space meeting the minimum requirements hereinafter specified or at the discretion of the County Zoning Inspector. Loading shall be in addition to the requirements for minimum parking area.

### **B. Provision of Loading Spaces:**

Total Floor Area of Building (Square Feet)	Number of Loading Spaces Required
1,000 to 9,999 square feet	1
10,000 to 29,999-square feet	2
30,000 to 49,000-square feet	3
50,000 or more square feet	4

### **C. Measurement of Loading Space**

Every required off-street loading space shall have a minimum width of 12 feet and a minimum length of 45 feet, exclusive of access aisles and maneuvering space, and a minimum clear height of 14 feet.

### **D. Location of Loading Space**

The required off-street loading space(s) will be an integral part of the internal traffic circulation pattern of the site; it may occupy any part of the site and may be partially or entirely enclosed within a building.

### **E. Use of Alley for Maneuvering Space**

Where a building or use in a non-residential district requiring off-street loading space abuts an alley, such alley may be used for maneuvering space for loading and unloading spaces. The developer may be required to improve the alley to the standards identified in 1804.07.

## **1805 SCREENING**

### **1805.01 Purpose**

Screening shall be used to reduce the negative impacts of one use upon another, particularly non- residential uses on residential ones; to preserve property values; to screen adverse views of buildings, parking, and storage areas; to protect the scenic value of the community; and to allow a greater mixture of uses, which may otherwise be incompatible.

### **1805.02 Screening Material**

Screening includes solid walls and fences, or any combination thereof, that cannot be seen through and are a minimum of six feet in height from grade. The screen shall be constructed out of standard materials or other acceptable materials approved by the County Zoning Inspector. An existing vegetative screen on the subject site may be approved by the County Zoning Inspector if it meets the intent of creating a solid screen.





### **1805.03 Screening Placement**

Screening, where required by these regulations, will be placed and maintained, subject to the requirements set forth below.

**A. Sight Distance at Intersections**

No screening shall present traffic visibility hazards within the sight triangle as described in 1807.06 of these Zoning Regulations.

**B. Maintenance of Screening**

All required screening shall be maintained by the owner for the duration of the use or until such time as the abutting site protected by the screening is developed in such a manner that screening is no longer required between the abutting sites.

**C. Refuse Collection Areas**

All refuse collection areas related to non-residential uses shall be screened from view from all public streets and surrounding properties except for one approved access opening.

**D. Screening in Floodplain Areas**

If a Floodplain Use Permit is required, the screening material could begin six inches above the grade.

**E. Deferred Screening**

In areas where screening is required by these Zoning Regulations but has been deferred by the County Zoning Inspector due to an abutting residentially zoned site being undeveloped, the screening shall be installed within six months of such development on the adjacent parcel.

## **1806 LANDSCAPING**

### **1806.01 Purpose**

It is the purpose of this section to establish minimum standards for the provision, installation, and maintenance of landscaping on the undeveloped portion of parcels or within the interior of large parking areas. Landscaping enhances the visual and environmental character of the County and further promotes the control of erosion, reduction of glare and dust, moderation of climate and noise, detention of storm water, the visual softening of building masses, as well as enhancing property values.

### **1806.02 Placement of Landscaping**

**A. Exemptions:**

The following shall be exempt from the installation and maintenance of landscaping:

1. Single-household dwelling sites in all Growth Category Areas
2. Uses within the Category C and D Areas

**B. Category A and B Growth Areas**

All uses in Category A (Urban Growth) and Category B (Community Growth) Areas shall have landscaped a minimum of five percent of the total developed area of a site. The landscaping shall be integrated into the developed area and shall include a minimum five-foot-wide strip along the abutting street(s). Landscaping shall be approved as part of building permit approval.

C. Sight Distance at Intersections

No landscaping shall present traffic visibility hazards within the sight triangle as described in Section 1807.06.

**1806.03 Landscaping, Planting, and Maintenance Requirements**

When landscaping is used, the following specific planting and maintenance requirements shall apply:

- A. No trees shall be planted under overhead utility wires if their mature height will interfere with those wires.
- B. Earth berms shall have adequate plant material or ground cover treatment to prevent erosion.
- C. Trees shall not be less than five gallons in size or comparable height if bare root at planting time.
- D. Shrubbery used for required landscaping shall be a minimum of one gallon in size.
- E. Landscaping construction must be completed with all other permitted building construction unless extended by the County Zoning Inspector.
- F. Retention of native vegetation in a natural drainage channel shall satisfy the landscaping requirement for such an area.
- G. All landscaping shall be maintained for the duration of the use or uses on the site.
- H. All plants used in landscaping shall be chosen from the County's approved list of drought-tolerant plant species or similar plants that have been specifically approved by the County Zoning Inspector.
- I. All landscaping shall comply with applicable provisions of Section 1819.

**1806.04 Irrigation Requirements**

- A. Purpose: The irrigation system and its related components shall be planned and designed to allow for proper installation, management, and maintenance. It shall meet all the requirements listed in this section and the manufacturers' recommendations. The design, installation, service, and operation of the irrigation shall be in a manner that promotes the most efficient use of water and applies the least amount of water that is required to reduce dust, control erosion, as well as maintain healthy landscape plants.
- B. General requirements - An irrigation design plan meeting the following design criteria shall be submitted as part of the landscape documentation package.
  - 1. All irrigation systems shall be designed, installed, maintained, altered, repaired, serviced, and operated in a manner that will promote water conservation.
  - 2. Irrigation systems and watering schedules shall supply the appropriate amount of water without over-watering.
  - 3. Water running off a landscaped area to another area where the water is not beneficially used, such as onto streets, sidewalks, gutters, alleys, public utility easements, or public or private parking areas, is prohibited.
  - 4. The irrigation plan must show that the irrigation system provides complete coverage of all areas to be irrigated. While head-to-head coverage is recommended, sprinkler spacing shall be designed to achieve the highest possible distribution uniformity using the manufacturer's recommendations. In addition, the design of the irrigation system shall conform to the hydrozones of the landscape plan.

5. The irrigation systems shall be designed to ensure that the operating pressure at each emission device is within the manufacturer's recommended pressure range for optimal performance
6. Irrigation should be avoided during windy or freezing weather or during rain.
7. Property owners shall repair water leaks upon their property within fourteen (14) days after discovery.

C. System Requirements

1. Pop-up spray heads or rotary sprinkler heads must direct flow away from any adjacent surface and shall not be installed closer than four inches from a hardscape, such as, but not limited to, a building foundation, fence, concrete, asphalt, pavers, or rocks.
2. All new automatically controlled irrigation systems must include sensors or other technology designed to suspend or interrupt the operation of the irrigation system during periods of moisture or rainfall. Rain or moisture shut-off technology must be installed according to the manufacturer's published recommendations. Repairs to existing automatic irrigation systems that require the replacement of an existing controller must include a sensor or other technology designed to inhibit or interrupt the operation of the irrigation system during periods of moisture or rainfall.
3. Backflow prevention devices shall be required to protect the water supply from contamination by the irrigation system and shall comply with local plumbing codes.
4. Manual shutoff valves (such as a gate valve, ball valve, or butterfly valve) shall be required, as close as possible to the point of connection of the water supply, to minimize water loss in case of an emergency (such as the main line break) or routine repair.
5. Narrow or irregularly shaped areas, including turfgrass areas, less than ten feet (10 ft) in dimension in any direction shall not utilize overhead sprinkler irrigation.

D. Plan Requirements: The irrigation plan, at a minimum, shall include each of the following:

1. A scaled plan showing property lines, easements, existing or proposed structures, impervious surfaces, and significant existing natural features
2. Location, type, and size of all components of the irrigation system, including backflow preventer, flow sensor, master valve, smart irrigation controllers, main and lateral lines, manual valves, remote control valves, sprinkler heads, moisture sensing devices; end caps; quick couplers, and pressure regulators
3. An irrigation legend showing the identification of irrigation components
4. Installation details for each of the irrigation components

E. Reclaimed Water: Reclaimed water may be used, and is encouraged for use, in irrigation systems provided compliance with all the following:

1. There is no direct contact with edible crops unless the crop is pasteurized before consumption.
2. The irrigation system does not spray water across property lines that do not belong to the irrigation system's owner.
3. The irrigation system is installed using purple components.

4. Backflow prevention on the reclaimed water supply line shall be in accordance with the County's adopted plumbing code.
5. A notice is prominently posted on/in the area that is being irrigated that reads, "RECLAIMED WATER - DO NOT DRINK" and "AGUA DE RECUPERACIÓN - NO BEBER"

## **1807 STREET IMPROVEMENTS, ACCESS STANDARDS, AND TRAFFIC CIRCULATION**

### **1807.01 Purpose**

It is the purpose of this section to coordinate the development of land uses in accordance with policy guidelines adopted under the Comprehensive Plan. Standards are designed to reduce safety hazards, lessen traffic congestion, limit total usage to the traffic carrying capacities of arterial and collector streets, provide a suitable location for land uses, provide adequate and safe access to uses, and minimize other negative impacts of development.

### **1807.02 Location and Nature of Access Points to Streets**

The following specific access requirements shall apply to the development of sites under these Zoning Regulations:

#### **A. Permanent Legal Access**

No building permit for non-residential use shall be issued unless a site has direct permanent access to a publicly maintained street or to a street where a private maintenance agreement is in place.

#### **B. Access to Arterial Streets**

Within a Category A or B Growth Area:

1. No use shall take direct permanent access onto an arterial street at any point within 200-feet of a street intersection.
2. No use shall take direct permanent access onto an arterial street unless in conformance with the Cochise County, Highway & Floodplain, Road Design & Construction Standards & Specifications for Public Improvements.
3. Development of a site should not result in the placement of excessive drives or streets on that site with direct access to an arterial street.

#### **C. If the site has more than 500 feet of frontage along an arterial street, it shall be entitled to one access point. Additional access points may be approved by the County Engineer if the arterial street is County maintained and the additional access points comply with the Cochise County, Highway & Floodplain, Road Design & Construction Standards & Specifications for Public Improvements.**

#### **D. If the site contains less than 500 feet of frontage along an arterial street, the property owner or his agent shall be required to enter into a sharing agreement of record with surrounding property owners.**

#### **E. The location or an alternative may be approved by the County Engineer if the arterial street is County maintained and the location or alternative complies with the Cochise County, Highway & Floodplain, Road Design & Construction Standards & Specifications for Public Improvements.**

### **1807.03 MT, Major Thoroughfare Overlay District**

#### **A. Purpose**

MT (Major Thoroughfare) Overlay Zoning Districts are established to achieve the following purposes:

1. To preserve the traffic flow and reduce the vehicle conflict points on designated arterial streets, which are necessary to move high volumes of traffic.
2. To minimize disruption of traffic flow and the creation of additional turning movements onto and off a designated MT.
3. To reduce the number and location of direct access points and streets connecting to a designated MT.

#### **B. Identification**

The area zoned as an MT Overlay Zone will be identified by its underlying zone designation plus the suffix "MT."

#### **C. Permissible Uses**

This zone, when overlaid upon any Zoning District, shall allow those uses permitted in the underlying Zoning District but shall subject those uses to the additional requirements of this Section.

#### **D. Procedure and Scope**

1. Any street or portion thereof, which is determined by the Board of Supervisors as being necessary to handle high volumes of traffic or to move through traffic, may be designated as an MT.
2. A Major Thoroughfare Overlay Zoning District (MT) shall be formed in the same manner as any other Zoning District. All parcels of land abutting or having direct access to the street or portion thereof designated as an MT shall be part of the MT overlay Zoning District and subject to the requirements herein.

#### **E. Development Standards in an MT District**

1. All new development or redevelopment of lots abutting an MT but having permanent legal access onto another street, public alley, or private driveway easement shall take access via the alternate access; and a one-foot no-access easement shall be recorded or shown on the site plan along the property boundary with the MT as a part of permit approval to preclude future access.
2. All new residential subdivisions with individual parcels in an MT overlay zone shall be designed and constructed, so that said MT lots take access off a street other than the MT. Streets connecting such subdivisions to the MT shall be designed to accommodate traffic and minimize disruption of traffic on the MT.
3. All such MT subdivision lots abutting the MT shall be screened with a six-foot high screen wall or fence or such equivalent screening approved by the County Zoning Inspector to reduce the noise, light, and air pollution impacts of the MT.
4. No permit shall be issued for any non-residential use on a lot created after November 1, 1984, with less than 200 feet of frontage along the MT if such a lot must take direct access to the MT.

5. No use permit shall be issued unless a provision is made for all parking to be on-site. Nothing herein shall preclude the consolidation or sharing of parking areas on adjoining sites.

#### **1807.04 Street Improvements – MT and Other Areas**

- A. For all uses, other than the development of a single residential site, developers shall construct those off-site improvements related to traffic and safety needs resulting from the development of the site. Said improvements may include but are not limited to the dedication of streets and alleys, construction of streets or additions to streets, widening of streets, traffic control signals and other devices, turn lanes and turn bays, drainage improvements, pavement, or dust abatement. The type and extent of improvements shall be based upon:
  1. The amount and type of additional traffic that will be generated by the development of the site.
  2. Any adverse effect upon traffic flow along the street abutting the site resulting from traffic entering and leaving the site.
  3. The ease and safety of vehicles entering and leaving the site.
  4. Conformity to applicable provisions of the Comprehensive Plan, Area Plan, traffic circulation plan, and/or any approved master development plan.
  5. Existing and anticipated traffic patterns along the street(s); and
  6. The Plan Area and Zoning District in which the site is located.
- B. The levels of improvement and design requirements of the Cochise County Road Construction Standards for Public Improvements shall be used as a guide in determining the minimum extent of improvements under paragraph A above.
- C. If the proposed use is of such magnitude as to significantly reduce the level of service on a street or streets, or if it is likely to cause a substantial increase in traffic or congestion, the County Engineer may require a traffic impact analysis from the developer before a building permit is issued. The traffic impact analysis shall be prepared by a Registered Engineer and shall describe the site and all surrounding streets, intersections, and access points; existing traffic conditions showing daily or peak hour volumes; and the transportation impact of the development, including its effect on service levels for all streets impacted by the proposed project. Developers shall then be required to construct improvements as may be necessary to address all of the issues identified in the study.
- D. If both the County Engineer and the County Zoning Inspector are in agreement that the construction of some or all of these improvements may be delayed without giving rise to an unreasonable risk to health and safety and without adversely impacting traffic flow in the area during a foreseeable time period, the County Zoning Inspector is authorized to enter into an agreement with the developer, at the developer's request, which may phase the completion of these improvements over an extended period of time, not to exceed 10-years.
- E. If the proposed development is of such magnitude as to significantly affect drainage flow conditions on abutting streets, the County Engineer shall require the submittal of a drainage study specifically addressing the effect of site drainage on the street (s) both before and after development. The developer will be required to construct such improvements as may be necessary to mitigate any adverse drainage impacts.

### 1807.05 Internal Circulation

The location of all buildings, structures, landscaping, access points to and from the site, and internal traffic circulation shall be arranged so that traffic congestion is avoided and vehicular and pedestrian safety is protected.

### 1807.06 Sight Triangles

#### A. Purpose

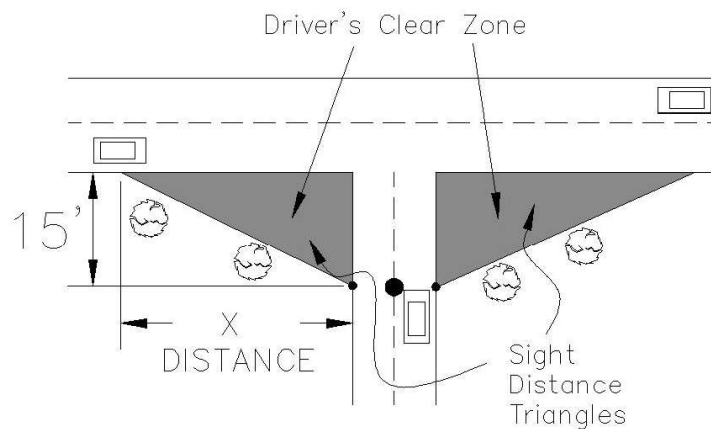
Define the area adjacent to intersections that must be clear of a visual obstruction to assure safe turning movements and a clear line of sight for drivers.

#### B. Calculation of Sight Distance Triangle

The sight distance triangle shall be determined for each controlled street or driveway that intersects a through or uncontrolled street. The determination of this sight distance triangle shall be made according to the minimum sight distance at the intersections chart and diagram below or as designated by traffic or civil engineer.

#### POSTED THROUGH SPEED X DISTANCE

25 MPH	280 FEET
35 MPH	390 FEET
45 MPH	500 FEET
55 MPH	550 FEET
65 MPH	650 FEET



Step 1. On your scaled site plan, show your driveway or street intersection through the street. Indicate a point center of your driveway or street located 15 feet back from the edge of the curb line, edge of the pavement, or edge of travel way.

Step 2. Identify the speed limit through the street. Connect the driveway CenterPoint to the curb, line, edge of the pavement, or edge of travel way for a scaled distance noted in the table above in both directions.

Step 3. Shade that triangle area in. Make sure that no visual obstructions are placed in that area.

C: Preservation of Sight Distance Triangle Area

No screening, landscaping, vegetation, structures, parking areas, or other obstruction to visibility between the heights of 3 and 10 feet above the top of the curb or centerline grade of the street shall be permitted within the clear zone, as defined by the sight distance triangular area. The development shall be set back or restricted to provide a clear sight distance.

**1808 SEWAGE DISPOSAL AND WATER REQUIREMENTS**

All uses shall be in compliance with all statutes and regulations of the State, State agencies, the County, and County agencies, governing sewage disposal and water systems. Written assurance from the provider of sewer and water utilities is required for uses on community water and sewer systems.

**1809 FLOODPLAIN AND DRAINAGE REQUIREMENTS**

All uses shall be in compliance with all Federal, State, and County floodplain requirements and regulations, including any floodplain regulations duly adopted by the Board of Supervisors and administered by the Cochise County Highway and Floodplain Department.

**1810 RESERVED FOR FUTURE USE**

**1811 OUTDOOR STORAGE**

**1811.01 Residential Uses**

It shall be the intent of this Section to provide acceptable limits of outdoor storage accessory to residential uses based upon the Comprehensive Plan Growth Category Area in which located. Nothing in this Section shall apply to the accessory storage of objects and materials within a completely enclosed building or structure, such as a garage or shed, or to the residential accessory storage of objects and materials that as a result of fencing, topography, or natural vegetation are not visible by the unaided eye six feet above ground level from any other property or street.

- A. Accessory Use Outdoor Storage and parking, which is permitted under this Section, is an accessory use only and shall not be permitted unless a primary residential use of the property has been established except for limited storage of equipment specifically used for road or property maintenance in Category B, C or D Areas.
- B. Permitted Visible Outdoor Storage of certain objects and materials shall only be permitted as an accessory use as specified below. Additional amounts of visible outdoor storage are permitted as specified below.
  - 1. Automobiles
    - a. Category A Areas

Licensed and titled automobiles are allowed for personal use.

One unlicensed or inoperative automobile that is titled or registered to the owner or occupant is permitted. If more than one, they cannot be visible by the unaided eye six-feet above ground level from any adjoining property or street and must be located in the rear yard. Said automobiles cannot be stored for commercial purposes.





b. Category B, C, and D Areas

Any number of automobiles titled or registered to the owners or occupants of the parcel may be stored, provided they are not stored for commercial purposes.

c. Hazard/Nuisance

All automobiles and automobile parts and tires must be parked or stored in such a manner as not to constitute a hazard or nuisance. The non-accessory use of outdoor storage of any site on which the storage, keeping, salvage, sale, or abandonment of junk occurs, including tires and auto parts, constitutes a public nuisance.

2. Construction Materials

In all areas, construction materials and equipment may be stored temporarily, provided that said materials/equipment are for on-site use pursuant to a current valid building permit. All building or construction materials and equipment shall be removed within 30-calendar days of completion of construction, issuance of a certificate of occupancy (where applicable), or expiration of the building permit, whichever occurs first. Construction debris shall not be permitted to scatter or blow onto another property.

3. Furniture and Appliances

In all areas, furniture, appliances, playground equipment, and other incidental household items may be placed outside (Note: Items in excess of these requirements shall be permitted only to the extent provided for in paragraph C below) provided that:

- a. All appliances are in operating condition and are connected for the private use of the resident/occupant in such a manner as not to constitute a fire or safety hazard.
- b. Any furniture is placed outside for personal on-site use only (rather than for storage).

C. Other Permitted Outdoor Storage

Except for the visible outdoor storage permitted above, outdoor storage of objects and materials shall be permitted as follows:

1. Category A Growth Areas for Residentially Developed Properties

Visible outdoor storage not to exceed 60-square feet in area and four feet in height.

2. Category B, C, and D Growth Areas for Residentially Developed Properties Visible or screened accessory outdoor storage shall be permitted.

D. Large Trucks, Truck Tractors, Construction Equipment

1. Category A Areas The outdoor storage or parking of any trucks, truck tractors, trailers, or semi-trailers having a rated capacity of more than one and one-half tons and the parking or storage of any construction equipment (except as provided on a temporary basis in Section 1811.01.B.2, above) such as bulldozers, graders, cement trucks, compressors, dump trucks, and back hoes shall not be permitted in any residential Zoning Districts in a Category A (Urban) Growth Area.

2. Category B, C, and D Areas No primary residential use is required for limited storage of equipment used for road and property maintenance in rural or residential Zoning Districts subject to the following requirements:

- a. A minimum lot size of 36,000 square feet is required
- b. No more than 600 square feet of the property shall be used for storage



- c. The storage shall meet the minimum setbacks of the zoning district

#### **1811.02 Non-Residential Uses**

For site development standards relating to outdoor storage for non-residential uses, see Section 1804.08 (Outdoor Storage Area Improvements) and applicable Zoning District Articles.

#### **1812 SITE DEVELOPMENT STANDARDS FOR MOBILE HOMES, MANUFACTURED HOMES, AND RECREATIONAL VEHICLE PARKS**

The following site development standards shall apply to Mobile Home, Manufactured Home, and Recreational Vehicle Parks or any combination thereof (collectively referred to as “Parks”).

##### **1812.01 Maximum Density of Parks**

The maximum density shall be the maximum density specified in the Zoning District in which the Park is located.

##### **1812.02 Space Size, Width, And Setbacks:**

Within Parks, there shall be no minimum individual space size and no minimum individual space width. The minimum setback for all units and other structures from the space boundary shall be seven and one-half feet. The minimum setback from all streets and from the perimeter of the Park shall be 10 feet.

##### **1812.03 Distance Between Structures**

Except as otherwise provided in these Zoning Regulations, a minimum distance between principal structures shall be 15 feet. Nothing herein shall prevent the permanent attachment of principal structures.

##### **1812.04 Maximum Height**

Principal structure: 30 feet above grade  
Accessory structure: 20 feet above grade  
Wall or fence: eight feet above grade

##### **1812.05 Site Coverage**

Within a Park, the maximum site coverage shall be 55 percent for each residential space and for the entire Park, exclusive of rights-of-way and recreational areas. The maximum site coverage for recreational areas shall be 75 percent.

##### **1812.06 Screening**

A six-foot high solid wall, fence, or existing vegetative equivalent, or any combination thereof, shall be provided along all Park boundaries, except at vehicle and pedestrian access locations. Such screening shall not encroach upon the sight triangles.

##### **1812.07 Interior Streets**

All two-way interior drives or streets within a Park shall be not less than 24 feet in width. One-way drives or streets shall be not less than 12 feet in width and shall be properly signed.

**1812.08 Parking**

Parking shall be provided in accordance with Section 1804.

**1812.09 Access to Exterior Streets**

No space within a Park shall have direct vehicular access to a street bordering the Park.

**1812.10 Sidewalks and Pedestrian Paths**

Sidewalks or pedestrian paths shall be placed on at least one side of all internal drives or streets for Parks within a Category B Growth Area and on both sides for Parks situated within a Category A Growth Area.

**1812.11 Skirting In Parks**

Skirting shall be required for each mobile/manufactured home in a Park.

**1812.12 Landscaping**

In all Parks, the entire Park shall be landscaped in accordance with Section 1806. The developer must provide a landscape plan as part of the permit application.

**1812.13 Recreational Facilities in Parks**

No less than ten (10) percent of the gross area of any Park established under these Zoning Regulations shall be devoted to common recreational areas and facilities, such as playgrounds, swimming pools, community buildings, or common open spaces.

**1812.14 Accessory Structures and Uses**

Accessory structures and uses intended primarily to serve the needs of persons within the Park, including retail trade, recreational facilities, laundry areas, restaurants, other personal services, Park offices, and maintenance and storage areas, shall be permitted, provided they are designed and located to protect the residential character of the district and surrounding residential districts. The sites upon which said retail uses and personal services are located shall not, in the aggregate, exceed five percent of the gross area of the Park. All outdoor Park maintenance areas shall be enclosed by a six-foot high solid screen.

**1813 SITE DEVELOPMENT STANDARDS FOR COMMUNICATIONS FACILITIES****1813.01 Existing Towers**

A communication tower in existence prior to the effective date of the 1999 revised Zoning Regulations will not require a Special Use or building permit if located in an applicable Zoning District.

**1813.02 Design**

- A. All new communication facilities will be designed by a Registrant licensed by the State of Arizona.
- B. For towers up to 150 feet in height, the structure shall be designed to accommodate at least two providers.

- C. For towers greater than 150 feet in height, the structure shall be designed to accommodate at least three providers.

#### **1813.03 Certification**

- A. Affidavits will be provided to show conformance with all Federal Aviation Administration (FAA) requirements regarding lighting and marking so as not to create a hazard to air navigation.
- B. Affidavits will be provided to show conformance with all Federal Communications Commission (FCC) technical emissions standards and licensing requirements, including radio frequency data.
- C. Prior to permit issuance for new communication equipment on an existing tower, a certificate, report, or plan prepared and stamped by an Arizona-Registered Professional Engineer will be provided by the Applicant that indicates the equipment and tower will meet minimum safety standards regarding deflection and survival specs at the proposed antenna load and with regard to potential electrical hazards.

#### **1813.04 Setbacks**

Communication facilities must be setback from all parcel boundaries, lease boundaries, and rights-of-way at a distance equal to at least the height of the tallest structure in the facility, measuring from its base. No setbacks are required between communication facilities located on the same parcel.

#### **1813.05 Minimum Site Area Requirements**

Communication facilities will be exempt from the Zoning Districts' minimum site area requirements.

#### **1813.06 Maximum Height**

In those Zoning Districts where communication towers are permitted use, the towers shall be limited to the maximum allowable height of the Zoning District unless otherwise noted in that District. There shall be no limit to the requested maximum height of a tower seeking approval through the Special Use Authorization process.

#### **1813.07 Noise or Vibration**

No noise or vibration (other than normal vehicular traffic) will be permitted, which is discernible on neighboring residential sites to the unaided human senses for three minutes or more duration in any one-hour of the day between the hours of 7:00 a.m. and 7:00 p.m. or 30-seconds or more duration in any one hour between the hours of 7:00 p.m. and 7:00 a.m.

#### **1813.08 Removal of Abandoned 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-calendar days of receipt of notice from the County Zoning Inspector.

#### **1814 RESERVED FOR FUTURE USE**

## **1815 KEEPING OF LIVESTOCK**

Livestock for private use may be kept in all Zoning Districts, provided that:

### **1815.01**

The site contains not less than 36,000 square feet of area. The temporary care and feeding of two or fewer animals for 4-H or similar projects shall be exempt from this requirement.

### **1815.02**

Animals shall be kept confined by fences or other restraints of sufficient strength and durability or be otherwise under the control of the owner or keeper to prevent such animals from roaming at large unless otherwise exempted by Article 20 of these Zoning Regulations or the Arizona Revised Statutes.

### **1815.03**

Stables/barns (both enclosed and unenclosed), corrals, piles of manure, and areas where livestock may concentrate, such as feeding and shade structures, shall be set back from the property line a minimum of 50 feet. Perimeter fences are not considered corrals unless used to confine animals within 50 feet of the property line.

### **1815.04**

Roping Arenas or other areas which are used occasionally, intermittently, or for specific purposes other than livestock living and congregating areas will be considered an accessory use and set back from the property line per Zoning District requirements. If the arena is used as a stable, corral, or livestock living area or becomes a place where piles of manure may accumulate, it shall be set back 50 feet from all property lines.

### **1815.05**

Nothing contained herein shall relieve the owner or keeper of such animals from complying with all applicable rules and regulations of the County Health Department or others having jurisdiction.

## **1816 SWIMMING POOLS**

Swimming pools shall be permitted in all Zoning Districts, provided applicable site development standards in the individual Zoning District article have been met. For single-household dwelling sites, swimming pools may be allowed in the side, or rear setback area provided the edge of a swimming pool shall be no closer than seven- feet to any property line. Every swimming pool shall demonstrate compliance with all regulations contained in the Arizona Revised Statutes. Every swimming pool shall be enclosed by a fence or wall not less than five feet in height, which is constructed, gated, and locked so as to discourage unauthorized entry to such pool. All new pools shall have a cover. Pools shall be covered when not in use to minimize evaporation.



## **1817 GOLF COURSES**

### **1817.01 Design**

For all new golf courses and additions to existing golf courses, the area of irrigated grasses, the “turf area,” used for the greens, fairways, practice areas, borders, and all other uses associated with the golf course, shall be limited. The total turf area of the golf course and associated uses shall be limited to an average of five-irrigated acres per golf hole. The maximum usage of water for irrigation purposes from sources other than groundwater (e.g., reclaimed wastewater, harvested rainwater, or an alternative water supply) will be considered a positive factor towards compliance with water conservation requirements set forth within these Zoning Regulations. The Applicant must address the potential sources and impacts of the proposed use in a water availability report provided by the Applicant and approved by the County as part of the required Special Use Authorization application. Ponds, lakes, artificial watercourses, and other types of water hazard areas shall be prohibited unless they are an integral component of the water reclamation or water harvesting being used for irrigation purposes. The golf course design shall reflect the natural topography and drainage ways of the site and minimize the clearing of native vegetation.

### **1817.02 Golf Course Landscaping**

All new golf courses and additions to existing golf courses shall use only plants included in the County’s approved list of drought-tolerant plant species or similar plants that have been specifically approved by the County Zoning Inspector for the non-turf areas. Rough and fairway areas shall make maximum use of existing landforms and indigenous grasses and vegetation. Landscaping plans, subject to County approval, shall include provisions to monitor and regulate irrigation of turf areas and other irrigated plants to prevent unnecessary water use.

Fairways are not required to be screened adjacent to residentially zoned and developed properties.

## **1818 LAND CLEARING**

Any clearing of land for residential and non-residential purposes, unless otherwise exempted, shall be in compliance with the requirements of the Cochise County Land Clearing Ordinance (Ordinance 00-030).

## **1819 WATER CONSERVATION MEASURES**

### **1819.01 County-Wide Water Conservation Measures**

The following measures will be applied to non-residential uses:

- A. Approved Plant Species: The County Zoning Inspector shall maintain a list of suitable drought-tolerant landscape plants for Cochise County. Only plants included in the County’s approved landscape plants, or similar plants that have been specifically approved by the County Zoning Inspector, shall be included on a landscape plan. Any plant species proposed in a landscaping plan, and not included in the County’s list of approved landscape plants, shall be accompanied with documentation sufficient to demonstrate that it would be appropriate to add the species to the

County's list. Substitution of plant species, following landscape plan approval, is prohibited.

- B. Groundcover: The use of turf types listed in the Cochise County approved landscape plant list is limited to the following applications/uses within non-commercial developments:
  - 1. erosion control
  - 2. soil stabilization
  - 3. seeding detention basins
  - 4. Exemptions:
    - a. Golf courses subject to the limits of Section 1817.
    - b. Common areas of multi-family developments, hotels, and motels (not to exceed 500 SF).
    - c. Schools
    - d. Parks
    - e. Cemeteries
    - f. Public recreational facilities
- C. Irrigation: see 1806.04 Irrigation Requirements

#### **1819.02 Water Conservation Measures – Sierra Vista Sub-Watershed Overlay Zone**

The following water conservation measures shall be required of all non-residential properties in the Sierra Vista Sub-watershed, as defined by the Arizona Department of Water Resources and delineated on County maps, and when a building permit is required, be subject to plan review and inspections:

- A. Commercial Car Wash Operations:
  - 1. All commercial conveyor and in-bay car wash operations located on properties not served by sanitary sewers shall be equipped with a self-contained water recycling system. For the purposes of this section of zoning, a water recycling system is defined as a water system at the car wash that captures and reuses water previously used in the wash or rinse cycles. Plans shall indicate and specify a water reclamation system for the purpose of recycling water to the maximum degree possible, given the equipment to be used in conducting car wash activities.
  - 2. All commercial self-serve car wash operations shall indicate the disposal of rain or surface water and the protection of the potable water system on associated site plans.
- B. The use of misters is prohibited in commercial and industrial developments.
- C. All new multi-family development exceeding four units shall provide independent-unit metering (water meter for each dwelling unit), with the following exceptions: multi-family complexes providing 80 percent or more low- to moderate-income housing units, as defined by the Federal office of Housing and Urban Development (HUD), may provide an alternative to independent-unit metering. The applicant shall state all proposed alternative water savings measures for consideration by the County Zoning Inspector. Alternative water-saving methods may include, but not be limited to, the following:
  - 1. Short hot-water line run distances (core plumbing systems).
  - 2. Ratio Utility Billing Systems (R.U.B.S. – as allowed under applicable State law).
- D. New artificial water features such as ponds, lakes, water courses, and other types of decorative water features are prohibited in any new nonresidential development unless their sole source is



harvested rainwater or they are a necessary and functional component serving other allowable uses, for example, storage ponds on a golf course or aeration devices. All new ponds must be lined to prevent seepage. This provision does not pertain to required storm water detention/retention facilities, holding ponds used for treated effluent being used for permitted irrigation purposes, or permitted swimming pools and spas.

## **1820 HUMAN REMAINS PROTECTION**

This section is intended to allow the interment of human remains on private property and to protect human remains in undisturbed condition perpetuity, which has been buried on private property. Although the provisions of this section presume protection of the human remains in an undisturbed condition, certain circumstances of a property may warrant alternative measures, including relocation of the remains, as a better method and means of preserving and honoring the human remains. The provisions of this section do not supersede Arizona cemetery or burial statutes that protect human remains and associated funerary objects on private lands. The provisions of this section do not supersede Federal laws that, from time to time, apply to human remains and cultural resources on private lands in Arizona.

### **1820.01 New Family Cemeteries**

Applicants who wish to bury human remains on private property must satisfy the following requirements:

- A. Family cemeteries are considered an accessory use allowed only in the RU, R, SM, SR, MR, and NB Zoning Districts.
- B. The subject property must be at least one acre in size.
- C. Only family members of the property owner(s) may be buried on the property.
- D. Each time a family member is interred, the following must be recorded at the County Recorder's Office:
  - 1. A complete legal description of the property.
  - 2. A map of the property with the exact location of the burial site, including distances to property lines, watercourses, and wells; and
  - 3. A copy of the death certificate and Disposition-Transit Permit per Arizona Revised Statutes.
- E. The Applicant shall submit a zoning use permit application for informational purposes. No fee is required. This application shall include:
  - 1. A dimensioned site plan of the property showing the location of the private burial site, any other burial site(s) on the property, and any water courses and wells.
  - 2. The proposed burial site must be set back at least 50 feet from all property lines, drainage ways, floodplains, or watercourses on the property and at least 100 feet from all water wells on or off-site.
  - 3. If any fencing material is proposed, it must be constructed of standard fence material as determined by the County Zoning Inspector; and
  - 4. A copy of all documents recorded with the County Recorder's Office.



## **1820.02 Protection of Existing Human Burial Sites and Cemeteries**

### **A. Applicability**

The following measures shall apply to the following permit applications:

1. Land clearing permits.
2. Septic installation permits.
3. Residential permits; and
4. Non-residential permits.

### **B. Qualifying Properties**

The following measures shall apply to properties or portions of properties that contain human remains, including public or private cemeteries or an individual burial site on private property. If the provisions of Section 1820.01 have been performed, provisions under this section are not necessary unless some disturbance to human remains is being proposed. Properties for which an inadvertent discovery of human remains has occurred are also subject to the provisions of this Section; in which case, all construction-related work shall cease immediately at the discovery site and within a 100- foot radius of the discovery site until the extent of the remains has been identified by the Human Remains Assessment noted below, and the provisions of this section have been met.

### **C. Requirements**

For properties that contain known burial sites or cemeteries, the permit application cited in subsection A above shall not be deemed complete until the following materials are included with the application.

#### **1. Site Survey/ Human Remains Assessment**

If a cemetery or burial site is not already recorded with the County Recorder, property owners or Applicants for permits for qualifying properties shall submit to the Planning Department a Human Remains Assessment Survey conducted by an archaeologist with a valid Arizona Antiquities Act Blanket Permit to survey the extent of the human remains on the property. The survey shall meet Arizona State Museum (ASM) Standards for Conducting and Reporting Cultural Resource Surveys and shall include:

- a. A County Recorder's Office and land use/permit history records check.
- b. A complete record check of files at the ASM and the State Historic Preservation Office (SHPO); and
- c. A field survey of the site to map the location and extent of human remains on the property.

#### **2. Preservation Plan**

The property owner(s) or Applicant shall submit a Preservation Plan with the permit application. The Plan must be approved in writing by the ASM Repatriation Coordinator and shall contain the following elements:

- a. A written statement that no physical disturbance (including artifact collection or excavation) of the human remains, associated funerary objects, surface memorials, markers, and/or associated landscaping will be allowed unless specifically indicated in an ASM- approved Mitigation Plan per subsection D below. The property owner shall record the location of all human remains on the property with the County Recorder and

the ASM.

- b. The Applicant shall submit a development plan or site plan for the property, which identifies the area that contains human remains plus an adequate “buffer zone” around the site(s), both of which shall be labeled on the site plan as an area to remain undisturbed. The buffer zone shall be a minimum 20-foot around the extent of the human remains.
- c. If the Human Remains Assessment Survey indicates the presence or potential presence of human remains first buried fifty years ago or longer. The Applicant shall enter into a Burial Agreement with ASM for the treatment of human remains; such agreement shall incorporate the ASM Best Management Practices for protecting in perpetuity (leaving undisturbed) the human remains. This agreement may also stipulate the measures to be taken by the property owner or Applicant to monitor the condition of the resource over time, including the setting aside of funds in trust to support monitoring and maintenance activities. This agreement shall be recorded on the property title.
- d. The Applicant shall indicate whether the Site Plan includes any public access easement to the burial site or to an alternate memorial site on the property. Such an easement shall be recorded on the property title.
- e. If the ASM is unable to approve or deny the Applicant’s Preservation Plan or is unable to enter into a Burial Agreement with the Applicant within 90-calendar days of their receipt of the proposed Preservation Plan, it shall be deemed by the County Zoning Inspector that the ASM is unable to respond to the Applicant in a timely fashion. In such a case, the County Zoning Inspector shall be authorized by this Section to represent the ASM in all actions described by this Section. The County Zoning Inspector may approve or disapprove of a Preservation Plan and may enter into a Burial Agreement with the property owner. If the County Zoning Inspector does not approve or disapprove in writing of a Preservation Plan within 120-calendar days of submittal of the draft Plan to the ASM, the Plan shall be automatically deemed approved.

**D. Exceptions**

If an Applicant seeks to remove or build over the human remains on the property, the Applicant may apply for a Special Use Authorization, per the procedures stipulated in Article 17 of these Zoning Regulations, to allow a Mitigation Plan, approved by ASM or the County Zoning Inspector, that includes the provisions of removal of the human remains or of the “capping,” or burial-in- place, of the remains and development adjacent to and/or above the site. The Applicant shall satisfactorily demonstrate to the Planning Commission that such treatment of the resource would provide a more suitable or effective method or means of preserving or honoring the remains.

- 1. Relocation. If the Applicant proposes relocation of the remains, the Mitigation Plan shall include a draft Burial Agreement, approved by ASM or the County Zoning Inspector, and meeting ASM standards and guidelines, and shall describe the proposed disposition of the remains, including the transfer location, transfer method and process, schedule of transfer, proposed memorial activities and marker(s), maintenance procedures and financial assurances, and other activities and assurances required or recommended by ASM in the

draft Burial Agreement.

2. If the remains were first buried less than 50 years from the date of the SUP application, the Applicant should prepare a draft Burial Agreement with the County Attorney; this Agreement shall meet the ASM standards and guidelines for relocation of human remains 50 years or older.
3. The Burial Agreement should not be signed unless and until the Planning Commission approves the SUP and Mitigation Plan.
4. Burial-in-place. If the Applicant's Mitigation Plan includes burial-in-place, the Planning Commission may grant a Special Use Authorization that would allow the Applicant to build over the human remains site, provided that the Applicant submits, at a minimum, the following:
  - a. A draft Burial Agreement, approved by ASM or the County Zoning Inspector, shall include a maintenance agreement that would ensure adequate protection of the resource in perpetuity. The Burial Agreement will be recorded with the property title.
  - b. A site plan showing dimensional drawings of the burial site(s) and the vertical clearance, as deemed suitable by ASM, between the surface area of the remains and the development above it and a suitable buffer zone adjacent to the development to allow adequate monitoring of the resource.
  - c. Recordation on the property title of the location of the human remains, the buffer zone, and any public access easement leading to the burial site or an alternate memorial marker; and
  - d. Plans showing a suitable memorial monument or other structure which would be accessible to the public and other interested parties.

E. Inadvertent Discovery of Human Remains During Construction

Whenever a property owner or his representative discovers skeletal human remains or suspected skeletal human remains and any associated funerary objects during land alteration or construction activity, the work shall cease immediately at the discovery site and within a 100- foot radius of the discovery site until the following steps have been completed:

1. The property owner shall notify the County Sheriff's Office and ask that a representative from that Office inspect the site and remove a sample of the remains to take to the County Medical Examiner's Office to determine whether the remains are human.
2. If the remains are deemed to be human, and the site is not deemed a crime scene by the Sheriff's Office, the Applicant shall hire a qualified archaeologist to conduct the Human Remains Assessment Survey. If the remains are not deemed to be human by the County Medical Examiner or other qualified experts, normal construction activities shall proceed.
3. Prior to the completion of the survey and findings, the remains and area within a 100 feet radius of the discovery site shall be secured from land alteration or poaching activities; and
4. Upon completion of the Survey, the procedures and provisions of Section 1820 shall apply.

## **1821 WIND ENERGY SYSTEMS**

The following site development standards shall apply for the permitting, construction, and operation of Wind Energy Systems:

### **1821.01 Zoning Districts**

Wind Energy Systems are permitted as Accessory Uses in all Zoning District, subject to applicable site development standards listed below.

### **1821.02 Density Limits**

One Wind Turbine shall be permitted on any parcel or on contiguous parcels under the same ownership of up to four acres in size.

Two Wind Turbines shall be permitted on parcels larger than four acres.

Proposals for more than two Wind Turbines on parcels larger than four acres shall be allowed by Special Use Authorization only.

Roof-mounted vertical-axis systems featuring more than one Wind Turbine mounted on the same pole (axis) shall be counted as one turbine.

### **1821.03 Height Limits**

Wind Turbines up to 45 feet in height are allowed as accessory structures on any parcel, provided that all site development standards can be met.

Wind Turbines greater than 45 feet in height shall be allowed as follows: Prior to issuance of a permit for the system, the Applicant shall submit a permit application to County staff, along with the appropriate fees. The County will notify property owners of the permit application. The notification will include a site plan reflecting the height and location of the turbine and the procedure and requirements for submitting support or protest forms. The procedure for determining which property owners to notify shall be the same as in the Citizen Review process, per Article 22. The County shall provide a 15-calendar day comment period for responses. If the County receives no objection from any notified property owner, the permit application shall proceed in the manner applicable to a permitted accessory use permit application. Any written protest shall include the name and address of the person submitting the protest and reasons why the permit application should not be approved. Any protested permit application shall require Special Use Authorization by the Planning Commission. In such cases, the initial permit application materials submitted by the Applicant, as well as any responses from neighbors, shall serve as the Citizen Review Report for the Special Use Authorization application. If, in response to protesting neighbors, an Applicant decides to redesign the project, the Applicant shall submit a new Citizen Review report, and the permit application shall proceed as a Special Use Authorization application.

#### **1821.04 Setbacks**

Setbacks from all property boundaries and road travel ways for Wind Turbines shall comply with the minimum setback requirements for the respective Zoning District or shall be equal to the height of the structure with turbine blades fully extended for free-standing Wind Turbines, plus 10 feet, whichever is greater.

Setbacks for roof-mounted Wind Turbines shall follow the Zoning District setback requirements or the fully extended height of the turbine, whichever is greater.

This site development standard is intended to promote safety and minimize damage to property if a turbine falls; it is not subject to Variances, Administrative, or Planning Commission modification

#### **1821.05 Distance Between Structures**

The distance between structures shall be equal to the fully extended height of the structure, plus 10 feet for freestanding Wind Turbines. The distance for roof-mounted Wind Turbines shall be equal to the Zoning District minimum structure separation distance or the fully extended height of the turbine, whichever is greater.

#### **1821.06 Noise Impacts**

Noise generated by the Wind Energy Systems system shall not exceed fifty decibels (50 dBA), as measured from the nearest property line, except during short-term events, including utility outages and severe windstorms.

#### **1821.07 Lighting**

Light fixtures or illumination of any kind shall not be allowed on Wind Energy Systems except as required by the Federal Aviation Administration (FAA).

#### **1821.08 Signage**

Signs of any type may not be attached to Wind Energy Systems. This does not include manufacturer's logos which may be part of the system when purchased, or emergency notification information.

### **1822 WIND ENERGY POWER PLANTS**

Wind Energy Power Plants are constructed primarily for the purpose of providing electricity to off-site consumers and shall be allowed only in RU (in Category D Growth Areas), GB, LI, or HI Zoning Districts, by Special Use Authorization only. This does not include residual power returning to the grid provided by small-scale systems, which primarily provide on-site power, subject to Arizona Corporation Commission regulations. Site-specific conditions and/or project scope may require that Applicants provide drainage and soil reports, environmental assessments or environmental impact statements, visual impact analyses, and/or cultural resource assessments with their application.

The following site development standards shall apply for the permitting, construction, and operation of Wind

Energy Power Plants:

#### **1822.01 Height Limits**

Wind Energy Power Plants are exempt from height limits per Article 20 (Height Exceptions) of the Zoning Regulations.

#### **1822.02 Setbacks**

Setbacks from all property boundaries and road travel ways for Wind Energy Power Plants shall be equal to the height of the tallest structure with turbine blades fully extended for free-standing Wind Turbines, plus 10 feet.

Wind Turbines, components, design features, and other structures associated with the Wind Turbines must have a minimum setback of 1,000 feet to any existing residence. This site development standard is intended to promote safety and minimize damage to property if a turbine falls; it is not subject to Variances, Administrative, or Planning Commission modification.

#### **1822.03 Distance Between Structures**

The distance between structures shall be equal to the fully extended height of the structure, plus 10 feet, for freestanding Wind Turbines.

#### **1822.04 Noise Impacts**

Noise generated by Wind Energy Power Plant systems shall not exceed fifty decibels (50 dBA), as measured from the nearest property line, except during short-term events, including utility outages and severe windstorms.

#### **1822.05 Lighting**

Light fixtures or illumination of any kind shall not be allowed on Wind Energy Power Plants except as required by the Federal Aviation Administration (FAA).

#### **1822.06 Signage**

Signs of any type may not be attached to Wind Energy Power Plants. This does not include manufacturer's logos which may be part of the system when purchased, or emergency notification information.

### **1823 SOLAR ENERGY SYSTEMS**

The following site development standards shall apply for the permitting, construction, and operation of Solar Energy Systems:

#### **1823.01 Zoning Districts**

Solar Energy Systems are permitted as Accessory Uses in all Zoning Districts subject to applicable site development standards listed below.



**1823.02 Height**

Solar Energy Systems are exempt from height limits per Article 20 (Height Exceptions) of the Zoning Regulations.

**1823.03 Setbacks**

Setbacks from all property boundaries and road travel ways for Solar Energy System arrays or pole-mounts shall comply with the minimum setback requirements for the respective Zoning District or shall equal the height of the tallest structure associated with the Solar Energy System, whichever is greater.

**1823.04 Distance Between Structures**

There shall be no minimum distance required between Solar Energy System components or design features and other structures on a property.

**1824 SOLAR ENERGY POWER PLANTS**

Solar Energy Power Plants are constructed primarily for the purpose of providing electricity to off-site consumers and shall be allowed as a Permitted Use in LI and HI and may be permitted in RU and GB Zoning Districts by Special Use Authorization only. They may also be approved as part of a PD or Master Development Plan. This does not include residual power returning to the grid provided by small-scale systems, which primarily provide on-site power, subject to Arizona Corporation Commission regulations. Site-specific conditions and/or project scope may require that Applicants provide drainage and soil reports, water budgets and conservation measures, environmental assessments or environmental impact statements, visual impact analyses, and/or cultural resources assessments with their application.

The following site development standards shall apply for the permitting, construction, and operation of Solar Energy Power Plants:

**1824.01 Height**

Solar Energy Power Plants are exempt from height limits per Article 20 (Height Exceptions) of the Zoning Regulations.

**1824.02 Setbacks**

Setbacks from all property boundaries and road travel ways for Solar Energy Power Plants shall be, at minimum, twice the minimum setback requirement for the respective Zoning District or shall equal the height of the tallest structure, whichever is greater.

**1824.03 Distance Between Structures**

There shall be no minimum distance required between Solar Energy Power Plant components or design features and other structures on a property.

## **1825 MARIJUANA USES**

The purpose of this Section is to establish site development standards for the permitting and operation of Marijuana Cultivation Facilities, Marijuana Establishments, Marijuana Establishment Cultivation Facilities, Marijuana Infusion Facilities, and Marijuana Testing Facilities.

### **1825.01 Setbacks**

Minimum setbacks for Marijuana Cultivation Facilities, Marijuana Establishments, Marijuana Establishment Cultivation Facilities, and Marijuana Infusion Facilities shall be no closer than 1000 feet, as measured from the property boundary of the proposed use to the property boundary of any of the following:

- A. Any other marijuana establishment or marijuana infusion facility.
- B. Any library.
- C. Schools (private or public).
- D. Childcare centers (private or public).
- E. Churches
- F. Youth-oriented facility.

Minimum setbacks for Marijuana Cultivation Facilities, Marijuana Establishments, Marijuana Establishment Cultivation Facilities, Marijuana Infusion Facilities, and Marijuana Testing Facilities shall be no closer than 300 feet from the property boundary from any existing residential use located in a residential zoning district or an approved subdivision. The distance shall be measured from the property boundary of the proposed use to the property boundary of the existing residential use located in a residential zoning district or an approved subdivision.

### **1825.02 Restrictions**

The following restrictions shall be applied to Marijuana Establishments, Marijuana Establishment Cultivation Facilities, Marijuana Infusion Facilities, and Marijuana Testing Facilities:

- A. Marijuana Establishments, Marijuana Establishment Cultivation Facilities, Marijuana Infusion Facilities, and Marijuana Testing Facilities shall be located in a permanent building and may not be located in a trailer, cargo container, or motor vehicle.
- B. No Marijuana Establishments, Marijuana Establishment Cultivation Facilities, and Marijuana Infusion Facilities shall provide outdoor seating areas.



# ARTICLE 19

## SIGNS

### CONTENTS OF ARTICLE 19

Purpose	1901
Administrative Procedures and Requirements	1902
General Regulations	1903
Sign Structural Type	1904
Measurement of Signs	1905
Signs Permitted in All Zoning Districts	1906
Additional Permitted Signs by Zoning District	1907
Definitions and General Specifications	1908

### 1901 PURPOSE

**1901.01** Signs are herein regulated in the interest of promoting traffic safety, safeguarding public health and comfort, facilitating police and fire protection, protecting scenic views and dark night skies, and preventing adverse impacts upon community appearance.

**1901.02** These Zoning Regulations are designed to prevent the over-concentration, improper placement, and excessive height, bulk, and area of signs in order to: promote an optimum level of signage consistent with the needs and character of different areas; to permit legible and effective signage of individual sites for the convenience of the public and in the interest of the full enjoyment of property rights, and to prevent the obstruction by sign clutter of traffic visibility, traffic signs and signals, neighboring uses and signs, and scenic views.

### 1902 ADMINISTRATIVE PROCEDURES AND REQUIREMENTS

#### 1902.01 Sign Permit Required

It shall be unlawful for any person, firm, or corporation to erect, alter, or relocate within the unincorporated area of Cochise County any sign as defined herein without first obtaining a sign permit in compliance with Article 17 from the County Zoning Inspector, except that:

- A. Minor repairs, maintenance, or painting of signs or changes in the copy that alter neither the structural characteristics nor the sign classification shall not require a permit.
- B. Provided all other provisions of these Zoning Regulations are met, sign permits shall not be required for the following signs:
  1. Name Plate Signs.
  2. Home Occupation Signs.



3. Traffic Control Signs (Private).
4. Real Estate Signs.
5. Political Signs.
6. Window Graphics (Temporary).
7. Contractor's Signs.
8. Developer's Signs.
9. Subdivision Development Signs.
10. On-Site and Off-Site Special Event Signs (Temporary).
11. Non-illuminated wall signs to a maximum of 50-square feet.
12. "No Trespassing" Signs.
13. Banners, pennants, and devices set in motion by the wind

#### **1902.02 Removal of Certain Signs**

- A. Any sign, including all supports, braces, guys, and anchors, existing on or after the effective date of these Zoning Regulations which no longer serves the purpose for which it was erected, shall be removed by the owner, agent, or person having the beneficial use of the property or building on which said sign is located, within 10-calendar days after written notification from the County Zoning Inspector. Upon failure to comply with such notice within the time specified, the County Zoning Inspector is hereby authorized to cause the removal of such sign at the expense of the owner of the building or property on which such sign is located.
- B. Whenever any sign is deemed by the County Zoning Inspector to be a public safety hazard due to a failure in the supporting structure or a failure to properly secure such sign to the site and against the movement, he shall provide written notification to the property owner that the sign is deemed to be in an unsafe condition, and must be removed, repaired, or secured in conformance with these Zoning Regulations within 48-hours following receipt of written notification. When such hazardous conditions present an immediate danger to adjoining properties or public rights-of-way, the County Zoning Inspector shall cause the immediate removal or securing of the sign at the expense of the owner of the building or property on which such sign is located.
- C. The County Zoning Inspector is hereby authorized to cause the immediate removal of any temporary sign not in conformance with all provisions of these Zoning Regulations.

#### **1902.03 Liability**

The granting of a sign permit shall not be deemed to be a permit for or approval of any violation of these Zoning Regulations. The provisions of these Zoning Regulations shall not be construed as relieving or limiting in any way the responsibility or liability of any person, firm, or corporation, his or its agents, employers, or workmen, in the construction, maintenance, repair, or removal of any sign erected in accordance with a permit issued hereunder. Nor shall issuance of such permit impose upon Cochise County or its officers or employees any responsibility or liability by reasons of the approval of any signs, material, or devices under the provisions of these Zoning Regulations.

#### **1903 GENERAL REGULATIONS**

The following regulations regarding signs shall pertain to all Zoning Districts:



**1903.01**

No sign shall be supported, in whole or in part, from within any street, alley, or other public rights-of-way; nor shall any part of any sign project over any part of a street, alley, or other public rights-of-way.

**1903.02**

No sign over three feet in height shall be erected within the sight triangles described in Article 18.

**1903.03**

No Ground Sign shall be located closer than 10 feet to a public right-of-way.

**1903.04**

Except as permitted for Digital Signs (see Section 1907.02), all illuminated signs shall conform with the provisions of Article 16 and shall be so placed as to prevent glare or reflection from being cast on any adjoining residential District or any beam or ray of light from being directed at the sky and at any portion of a public street, alley, or other rights-of-way.

**1903.05**

Illumination of signs shall not be flashing, intermittent, rotating, or animated, nor constitute a nuisance in any manner.

**1903.06**

No sign shall have moving or swinging parts, except that:

- A. The rotation of barber poles, permissible changing signs, and/or multi-prism signs is permitted, provided that rotations shall not exceed six revolutions per minute.
- B. Banners, pennants, or devices set in motion by the wind may be permitted as temporary signs for a period not to exceed 14-calendar days each quarter (See Section 1908.01).

**1903.07**

No sign shall be erected or maintained at any location where, by reason of its position, shape, color, illumination, or supporting structure, it may interfere with, obstruct the view of, or be confused with any authorized traffic sign, signal, or device, or with any device mounted on a police or fire protection vehicle; or which makes use of the words, "STOP," "LOOK," "DANGER," or any other word or phrase, symbol or character in such a manner as to interfere with, mislead, or confuse traffic.

**1903.08**

No sign shall be erected, relocated, or maintained to prevent free ingress to or egress from any door, window, or fire escape, nor shall any sign be attached to a standpipe or fire escape.

**1903.09**

No sign shall be located less than six feet horizontally or 12 feet vertically from overhead electrical conductors which are energized in excess of 440 volts; "overhead conductors" shall refer to any electrical conductor, either bare or insulated, installed above the ground, except such conductors that are enclosed in rigid iron conduit or other material covering of at least equal strength.

**1903.10**

No sign other than hazard warnings or identification placed by the utility itself shall be attached to any utility pole.

**1903.11**

No sign shall be attached to any traffic control structure except as erected by the responsible governmental entity.

**1903.12**

The regulations of this Article shall not apply to memorial plaques and building cornerstones of metal, stone, or other incombustible material when built into or permanently affixed to the walls of a building or structure and made an integral part of that structure, provided that such plaques and cornerstones shall not exceed 12-square feet in area.

**1903.13**

Other sign regulations notwithstanding, the provisions of this Article shall not be construed to prohibit or restrict the erection and maintenance of traffic control, directional or informational signs by governmental and public utility officials.

**1903.14**

Other sign regulations notwithstanding, the provisions of this article shall not be construed to prohibit the erection and lighting of holiday displays, provided that such displays do not interfere with the safe operation of traffic control signals and signs.

**1903.15**

Permanent Ground Signs shall not be located nearer than 50 feet to other Permanent Ground Signs.

**1903.16**

No person shall park on any public right-of-way, public property, or on private property to be visible from a public right-of-way, any vehicle or trailer which has attached thereto or located thereon any sign or advertising device for the purpose of providing advertisement of products or directing the public to a business or activity. This shall not apply to signage painted directly upon or attached flat against a surface of any operational vehicle regularly used in the conduct of a permitted business or activity.

**1903.17**

No parcel shall be split so as to reduce street frontage below the minimum required to allow for the square footage and/or a number of signs already existing on the site.

**1903.18**

The use of progressive signs on a site or sites shall not be permitted unless each sign meets all sign requirements set forth in this Article.

**1903.19**

No sign other than the manufacturer's name and logo shall be attached to any Wind Energy System or Anemometer as defined in Article 2.

**1904 SIGN STRUCTURE**

The following structural types of signs, which are defined in Section 1908 herein, are permitted, subject to the requirements and restrictions of these Zoning Regulations:

1904.01 Wall Sign (including Fascia Signs)

1904.02 Projecting Sign

1904.03 Roof Sign

1904.04 Ground (or Free-Standing) Sign

1904.05 Window Graphic

**1905 MEASUREMENT OF SIGNS****1905.01**

The area of signs composed of individual fabricated or painted letters, numbers, symbols, or pictures mounted directly on a building facade without painted or other backgrounds shall be computed as the area within a single continuous perimeter which encloses the entire area devoted to the sign message, including all letters, numerals, figures, emblems, pictures, outlines, and symbols.

**1905.02**

A spherical, double-faced, or multi-faced sign shall be counted as one sign, and its measured area shall be the maximum surface that is visible from any single viewing position on or above the ground.

**1905.03**

For all other types of signs, the area shall include the entire area within a single continuous perimeter enclosing the extreme limits of the sign; provided, however, that such perimeter shall not enclose any structural elements not forming an integral part of the display.

## 1906 SIGNS PERMITTED IN ALL ZONING DISTRICTS

The following signs are permitted in all Zoning Districts, subject to the Definitions and Specifications contained in Section 1908 and the General Regulations contained in Section 1903 of these Zoning Regulations:

### 1906.01 Permanent Signs

- A. One NAME PLATE or one HOME OCCUPATION SIGN per dwelling unit, no permit required.
- B. SUBDIVISION OR MOBILE HOME PARK NAME SIGNS.
- C. DIRECTIONAL SIGNS.
- D. TRAFFIC CONTROL SIGNS (PRIVATE), no permit required.
- E. MEMORIAL SIGNS.
- F. BULLETIN BOARD SIGNS.

### 1906.02 Temporary Signs

- A. CONTRACTOR'S SIGNS, no permit required.
- B. DEVELOPER'S SIGNS, no permit required.
- C. POLITICAL SIGNS, no permit required.
- D. REAL ESTATE SIGNS, no permit required.
- E. SUBDIVISION DEVELOPMENT SIGNS, no permit required.

## 1907 ADDITIONAL PERMITTED SIGNS BY THE ZONING DISTRICT

No sign shall be erected or maintained in any Zoning District except as herein specified or as listed in Section 1906.

### 1907.01 Permitted Signs, SR, SM, R, MR, And NB Zoning Districts

In addition to those signs listed in Section 1906, the following signs are permitted for non-residential uses and multiple-household dwellings in SR, SM, R, MR, and NB Zoning Districts:

- A. ON-SITE PERMANENT SIGN, One per street frontage.
  - 1. Permitted Structural Type: Wall or Ground Sign
  - 2. Illumination: Permitted
  - 3. Maximum Height and Area of Ground Signs:

Street Classification	Maximum Area	Maximum Height
Local	.25-square foot per lineal foot of the street frontage where the sign faces to a maximum of 32-square feet	six feet
Collector	.5-square feet per lineal foot of the street frontage where the sign faces to a maximum of 32-square feet	eight feet
Arterial	One-square foot per lineal foot of street frontage where the sign faces to a maximum of 64-square feet.	12-feet

4. Maximum Area, Wall Signs: Same as the maximum area of Ground Signs above.
- B. BANNERS, PENNANTS, DEVICES SET IN MOTION BY THE WIND; no permit required, with the restrictions set forth in Section 1908.01 – MR-1 & MR-2 only

#### **1907.02 Permitted Signs, RU, GB, LI, And HI Zoning Districts**

In addition to those signs listed in Section 1906, the following signs are permitted in RU, GB, LI, and HI Zoning Districts, provided that the maximum aggregate area of all signs on a given site shall be two-square feet per lineal foot of total street frontage, and further provided that individual signs conform to the following standards:

- A. ON-SITE PERMANENT SIGNS other than Digital Signs, and OFF-SITE PERMANENT SIGNS other than BILLBOARDS, as follows:
  1. Permitted Structural Type:
    - a. Ground or Projecting Signs: Each site is permitted at least one Ground or Projecting Sign per street frontage, but not more than one per 300-lineal feet of street frontage.
    - b. Wall Signs
    - c. Roof Signs: A Roof Sign may be used in place of, but not in addition to, a permitted Ground Sign.
  2. Illumination: Permitted
  3. Maximum Height and Area of Ground Signs:

<b>Street Classification</b>	<b>Maximum Area</b>	<b>Maximum Height</b>
Local	.25-square feet per lineal foot of street frontage where the sign faces to a maximum of 32-square feet.	6-feet above grade
Collector	.5-square feet per lineal foot of street frontage where the sign faces to a maximum of 64-square feet. grade	18-feet above
Arterial	One-square foot per lineal foot of street frontage where the sign faces to a maximum of 80-square feet.	24-feet above grade

4. Maximum Area of Wall Signs, Projecting Signs, and Roof Signs: Same as the maximum area of Ground Signs above.
- B. DIGITAL SIGNS; one per site.
  1. Permitted Structural Type: Ground Sign.
  2. Illumination: Permitted, but only from sunrise to sunset, except for fuel price, motel price, time and temperature signs, and similar signs, which can be illuminated at any time, provided:
    - a. The illumination emitted by the sign, together with any other unshielded lighting on the site, does not exceed the maximum allowed in Table 16.1 of Article 16 for unshielded lighting.
    - b. The lighted text on the sign is red or green on a black background; and,

- c. Complies with all provisions of these Zoning Regulations. Applicant must provide documentation showing maximum lumen capability for each segment of a digital sign to demonstrate the ability to meet the total lumen cap per Table 16.1 of Article 16.
3. Maximum Height: five feet above grade.
4. Setbacks: All signs must have a minimum setback of 25 feet to property lines adjacent to residential use or residential zoning district.
5. Maximum Area:

<b>Street Classification</b>	<b>Maximum Area</b>
Local	.25-square foot per lineal foot of street frontage where the sign faces to a maximum of 32-square feet
Collector	.5-square foot per lineal foot of street frontage where the sign faces to a maximum of 64-square feet
Arterial	One square foot per lineal foot of street frontage where the sign faces to a maximum of 80-square feet

6. Limits on Change in Copy: any message must remain in place for at least four seconds before changing to another message.
  7. Limits on Type of Use: Permitted only for On-Site Permanent Signs, i.e., as a sign which directs attention to a business, profession, or activity conducted on the premises on which the sign is located.
- C. DIRECTORY SIGNS, one per street frontage for sites having multiple uses, such as shopping centers, office complexes, and industrial parks, provided that no other Ground Sign occupies the premises, and subject to the following limitations:
1. Permitted Structural Type: Ground Sign
  2. Illumination: Permitted
  3. Maximum Height and Area of Ground Signs:

<b>Street Classification</b>	<b>Maximum Area</b>	<b>Maximum Height</b>
Local	.25-square feet per lineal foot of street frontage where the sign faces to a maximum of 32-square feet	6-feet above grade
Collector	.5-square feet per lineal foot of street frontage where the sign faces to a maximum of 64-square feet.	18-feet above grade

- D. BILLBOARDS: shall be permitted only if approved as a Special Use in a RU, GB, LI, or HI Zoning District, subject to all regulations included in Section 1908.01, and provided that a maximum aggregate sign area of two-square feet per lineal foot of street frontage is not exceeded.
- E. ON-SITE SPECIAL EVENT SIGNS: no permit required.
- F. OFF-SITE SPECIAL EVENT SIGNS: no permit required.
- G. BANNERS, PENNANTS, DEVICES SET IN MOTION BY THE WIND; no permit required, with the restrictions set forth in Section 1908.01



### **1907.03 Permitted Signs, PD Zoning Districts**

Signs shall be permitted in PD (Planned Development) Zoning Districts as follows:

- A. Sign permit applications for PD Zoning Districts shall be submitted in accordance with the permit procedures listed in Section 1902.02 herein and shall be reviewed by the County Zoning Inspector for compliance with the regulations applicable to similar uses in other Zoning Districts. Such permits shall be granted upon a finding by the County Zoning Inspector that the proposed sign(s) is substantially in conformance with those regulations and with the approved plans for the District.
- B. The developer of a Planned Development may request a waiver of any sign regulation applicable under Subsection A above by including a written request for such waiver as a part of the Planned Development preliminary plan submittal (see Article 15). The written request for waiver shall be accompanied by:
  1. All plans and information listed in compliance with Article 17.
  2. A list of the provisions from which a waiver is requested and reasons supporting the request.

### **1908 DEFINITIONS AND GENERAL SPECIFICATIONS**

#### **1908.01 Banners, Pennants, And Devices Set in Motion by The Wind; No Permit Required**

A specific type of sign which provides a message to the public, typically advertising a business. Zoning Districts: RU, MR-1, MR-2, NB, GB, LI, and HI

Structural Type: Wall or Ground Sign Maximum Area: 32-square feet Maximum Height: 15 feet

Illumination: None

Setback: The height of the sign, or 10 feet, whichever is greater

Separation: Signs shall be separated from other signs by a minimum of 50 feet

#### **1908.02 Billboard Sign**

A Billboard is a free-standing Off-Site Permanent Sign having an area of 300-square feet or more. A Billboard is considered a principal use. Billboards shall maintain the following setbacks and separation requirements:

Zoning Districts: RU, GB, LI, and HI by Special Use Authorization Only Structural Type: All

Maximum Area: 600-square feet Maximum Height: 35 feet Illumination: Permitted

The maximum aggregate sign area of two-square feet per lineal foot of street frontage. Minimum Distance from other Billboards: 660 feet

Minimum Distance from other Ground Signs: 100 feet Minimum Distance from any structure: 100 feet

Minimum Distance from any site boundary: 100 feet

The spacing distance shall be measured along the nearest edge of the right-of-way to a point directly opposite the sign.



### **1908.03 Bulletin Board**

A sign announcing activities of a permitted educational, governmental, or religious institution or recreation area, which is constructed to permit changes of copy, not including flashing, intermittent, or moving electronic message boards.

Zoning Districts: All

Structural Type: Wall or Ground Sign Maximum Area: 15-square feet Maximum Height: Six-feet Illumination: Permitted

### **1908.04 Contractor's Sign; No Permit Required**

A temporary sign designating the names of persons or firms engaged in construction or repair on the premises. A Contractor's Sign shall be removed within 10-calendar days after completion of work or upon expiration of the building permit.

Zoning Districts: All

Structural Type: Wall or Ground Sign

Maximum Area\*: SR, SM, R, MR, NB, and PD Zoning Districts: six square feet RU, GB, LI, and HI Zoning Districts: 15-square feet

Maximum Height: SR, SM, R, MR, NB, and PD Zoning Districts: four-feet RU, GB, LI, and HI Zoning Districts: 12 feet

Illumination: None

\* When a combined Contractor's/Real Estate Sign is used, the maximum area shall be the sum of the maximum areas for the two types of signs but shall in no case exceed 65-square feet.

### **1908.05 Developer's Sign; No Permit Required**

A temporary sign designating the use which will occupy the premises at some future date. Permitted for non-residential uses and multiple-household dwellings only. Developer's Signs shall be removed within 10-calendar days after the opening of the use or upon expiration of the building permit.

Zoning Districts: All

Structural Type: Wall or Ground Sign

Maximum Area: SR, SM, R, MR, and NB Zoning Districts: 15- square feet

RU, GB, PD, LI, and HI Zoning Districts: 50-square feet on a parcel with existing structures; 100-square feet on an undeveloped parcel

Maximum Height: SR, SM, R, MR, and NB Zoning Districts: six-feet RU, GB, PD, LI, and HI Zoning Districts: 12 feet

Illumination: None

#### **1908.06 Digital Sign**

A type of unshielded electronic display that can show programming, menus, information, advertising, and other messages. Digital signs are lighted and utilize technologies such as Liquid Crystal Display (LCD), Light Emitting Diodes (LED), plasma displays, or projected images to display content. In these Zoning Regulations, Digital Signs are a sub-category of On-Site Permanent Signs, but with special rules governing Digital Signs. (See Section 1907.02).

#### **1908.07 Directional Sign**

A sign directing or informing the public as to the location of publicly owned facilities; historic or scenic points of interest; education, charitable or religious institutions; hospitals or sanitariums; time and temperature; and major business districts. Directional Signs shall be located on collector or arterial streets only.

Zoning Districts: All Structural Type: Ground Sign

Maximum Area: Residential Zoning Districts: 15-square feet All other Zoning Districts: 32-square feet

Maximum Height: Residential Zoning Districts: 6 feet

All other Zoning Districts: 12-feet Illumination: Permitted

Directional Signs shall not be located within 150 feet of any other permitted sign and shall be located within one-half mile of the turn-off referenced.

#### **1908.08 Directory Sign**

Any sign listing all occupants of a parcel having multiple uses.

One per street frontage for sites having multiple uses, such as shopping centers, office complexes, and industrial parks, provided that no other Ground Sign occupies the premises, and subject to the following limitations:

Zoning Districts: RU, GB, LI, and HI Structural Type: Ground Sign Maximum Area: See Section 1907.02

Maximum Height: See Section 1907.02 Illumination: Permitted

#### **1908.09 Double-Faced Sign**

A sign having two-copy areas, only one of which can be seen, either in whole or in part, from any given point on the ground.

#### **1908.10 Fascia**

A horizontal band covering the joint between the top of a wall and the projecting eaves.

**1908.11 Ground (Free-Standing) Sign**

A sign supported by uprights, braces, or similar structures is placed directly in or affixed to the ground and not attached to any building. No permanent Ground Sign shall be located nearer than 50 feet to any other permanent Ground Sign, other than a Private Traffic Control Sign, or 10 feet to any public right-of-way.

**1908.12 Home Occupation Sign; No Permit Required**

A sign identifying an approved Home Occupation on the premises. Zoning Districts: All except LI and HI  
Structural Type: Wall or Ground Sign Maximum Area: Four square feet Maximum Height: Five-feet  
Illumination: None

**1908.13 Illumination**

For the purpose of these Zoning Regulations, illumination means a shielded light source (except for Digital Signs, which are unshielded), either located within, mounted upon, or directed at a sign for the purpose of making it visible at night. All sign illumination shall comply with the terms of Article 16 and shall not include any exposed light source.

**1908.14 Memorial Sign**

A sign or monument commemorates a person or event. Memorial Signs may be permitted in all Zoning Districts and are subject to the Zoning District's site development standards for structures. They are also subject to the approval of design and location by the County Zoning Inspector.

**1908.15 Multi-Prism Sign**

A sign made with a series of triangular vertical sections that turn and stop, or index, to show three pictures or messages in the same area, only one message being visible at any moment. Rotation shall not exceed six revolutions per minute.

**1908.16 Name Plate Sign; No Permit Required**

A sign identifying only the name and address of the occupant of the premises. Zoning Districts: All Structural  
Type: Wall or Ground Sign Maximum Area: One-square foot Maximum Height: Two and one-half- feet  
Illumination: None

**1908.17 Off-Site Permanent Sign**

A sign which is not associated with the use of the property where the sign is located.

Zoning Districts: RU, GB, LI, and HI Structural Type: See Section 1907.02 Maximum Area: See Section 1907.02  
Maximum Height: See Section 1907.02 Illumination: Permitted

**1908.18 Off-Site Special Event Sign; No Permit Required**

A temporary sign announcing special events (e.g., rodeos, fairs, grand openings, etc.) to occur on a site other than that on which the sign is located. Such signs, except Window Graphics occupying not more than 25 percent of the window area, shall be included in calculating the maximum aggregate sign area for the site. Each such sign shall be



maintained for no more than 30-calendar days.

Zoning Districts: RU, GB, LI, and HI

Structural Type: Wall (including window graphics) or Ground Sign

Maximum Area: Within 100 feet of an existing structure or free-standing sign: 15-square feet 100 feet or more from any structure or free-standing sign: 32-square feet

Maximum Height: Eight-feet Illumination: None

Maximum Number: 2 per Calendar Year

#### **1908.19 On-Site Permanent Sign (Other Than a Digital Sign)**

A sign which directs attention to a business, profession, or activity conducted on the premises on which the sign is located. An On-Site Permanent Sign may include a change panel. A change panel must be an integral part of the sign and must be secured to prevent movement. In no case shall this be construed to include the attachment or addition to an approved sign of any sign or graphic, temporary or permanent, not included in the original design and specifications approved as a condition of issuance of a sign permit. Note that Digital Signs are a sub-category of On-Site Permanent Signs, but with special rules governing Digital Signs. (See Section 1907.02 and the definition of Digital Sign).

Zoning Districts: RU, GB, LI, and HI Structural Type: See Section 1907.02 Maximum Area: See Section 1907.02

Maximum Height: See Section 1907.02 Illumination: Permitted

#### **1908.20 On-Site Special Event Sign; No Permit Required**

A temporary sign announcing special events (e.g., rodeos, fairs, grand openings, etc.) to take place on the premises on which the sign is located. Such signs, except grand opening signs and Window Graphics occupying not more than 25 percent of the window area, must be included in calculating the maximum aggregate sign area for the site. Each such sign shall be maintained for no more than 30-calendar days.

Zoning Districts: RU, GB, LI, and HI Structural Type: Wall or Ground Sign

Maximum Area: 15-square feet, except that the Maximum area of Grand Opening Signs is two- square feet per lineal foot of building frontage.

Maximum Height: Eight-feet

Illumination: None

Maximum Number: One-Grand Opening Sign per Use Permit (There is no limit on the number of temporary special event signs, provided the maximum aggregate sign area for the site is not exceeded.)

#### **1908.21 Political Sign; No Permit Required**

A temporary sign supporting a candidacy or position in any primary, special, or general election, subject to the following restrictions: Political signs shall be removed within 30-calendar days following the final election for that candidate or issue.

Zoning Districts: All Structural Type: All Maximum Area: None Maximum Height: None Illumination: None

#### **1908.22 Projecting Sign**

A sign that is attached to a building or structure and extends beyond the wall of the building or line of the

structure more than 12-inches. No projecting sign may extend above the top edge of the wall from which it projects or extend outward more than five feet from the supporting wall. Every projecting sign shall have a minimum clearance of eight feet above grade and above any sidewalk, porch, or step over which it projects. All projecting signs shall be installed or erected in such a manner that there shall be no visible angle iron support structures above a roof, building fascia, or wall.

#### **1908.23 Real Estate Sign; No Permit Required**

A temporary sign advertising the premises for lease, rent, or sale. Real Estate Signs shall be removed within 10-calendar days following lease, rent, or sale of the premises.

Zoning Districts: All

Structural Type: Wall or Ground Sign

Maximum Area\*: SR, SM, R, MR, and NB Zoning Districts: 6-square feet

RU, PD, and GB Zoning Districts: 15-square feet

LI and HI Zoning Districts: 50-square feet

Maximum Height: SR, SM, R, MR, and NB Zoning Districts: 4 feet

RU, GB, LI, and HI Zoning Districts: 12 feet

Illumination: None

\* When a combined real estate/contractor's sign is used, the maximum area shall be the sum of the maximum areas for the two types of signs but shall in no case exceed 65-square feet.

#### **1908.24 Roof Sign**

A sign which extends above and is supported by the roof of a building. Where permitted, roof signs shall be constructed and finished in such a manner that they appear to be a part of the building itself. There shall be no visible angle iron support structure, guy wires, braces, or secondary supports; no roof sign shall exceed Zoning District height limitations.

#### **1908.25 Sign**

Any device for visual communication that is used for the purpose of bringing the subject thereof to the attention of the public, including but not limited to the display of any letter, numeral (other than street addresses), figure, emblem, picture, outline, beacon, or spectacular, either in whole, in part, or in combination, whereby such display is made on, attached to, or is a part of a structure erected for the purpose, or is on, attached to, or a part of any other structure, surface or thing, including but not limited to the ground or any rock, tree or other natural objects, which display is visible beyond the boundaries of the lot or parcel on, or over which it is located. Excluded from this definition is any flag, badge, or insignia of any government or governmental agency, any official traffic control device, and any notice posted according to law.

**1908.26 Sign Face**

The entire area of a sign on which copy could be placed.

**1908.27 Single-Faced Sign**

A sign having its entire copy area visible from one point. Where a sign face is made up of separate sign boards attached to the same structure, the perimeter of the “sign face” shall be the outer limits of the entire display.

**1908.28 Subdivision Development Sign; No Permit Required**

A temporary sign advertising the sale of properties within a subdivision, to be removed within 10-calendar days following the sale of 100 percent of lots, or one year from the last sale of subdivision lots, whichever occurs first.

Zoning Districts: All (No more than three signs per street frontage)

Structural Type: Wall or Ground Sign

Maximum Area: 50-square feet Maximum Height: 12 feet

Illumination: None

Minimum Spacing: 330-apart and 100 feet from any adjoining property

**1908.29 Subdivision, Mobile Home, Manufactured Home, Or Recreational Vehicle Park Name Sign**

A permanent sign displaying only the name of a subdivision or park.

Such signs shall be limited to one sign on each side of any street entrance to a subdivision or park, subject to the approval of design, size, and location by the County Zoning Inspector.

Zoning Districts: All Structural Type: All

Maximum Area: Subject to the approval by the County Zoning Inspector

Maximum Height: Subject to the approval by the County Zoning Inspector

Illumination: Permitted

**1908.30 Temporary Sign**

Any sign which is intended to remain upon a site for a specified period to serve a special purpose. Such signs must be secured to a structure or the ground. Temporary signs must be mounted upon a rigid frame or backing, except that cloth banners may be used when securely affixed to a building. All such signs must conform to the provisions of these Zoning Regulations, including sign classification, size, and location restrictions, whether or not a permit is required. Portable signs, A-frame signs, etc., which are not securely affixed to the premises, are prohibited.

**1908.31 Traffic Control Sign, Private; No Permit Required**

A sign marking the entrance or exit to a site, parking area, service or loading area, or permitted accessory use.

Zoning Districts: All

Structural Type: Wall or Ground Sign

Maximum Area: RU, GB, LI, and HI Zoning Districts: six square feet, All

Other Zoning Districts: two square feet

Maximum Height: Three-feet

Illumination: None

Maximum Number: One-per entrance, exit, and/or turning point

**1908.32 Wall Sign**

A sign placed flat against or attached parallel to an exterior wall of a building, including a parapet wall or fascia, and not extending beyond any edge of the surface to which it is attached. Wall signs shall not project more than 12-inches out from the supporting wall.

**1908.33 Window Graphic (Temporary); No Permit Required**

Any graphic which is painted, attached, glued, or otherwise affixed to a window or depicted upon a card, paper, or other material and placed on, taped on, or hung immediately behind the window or displayed from a window in such a way as to be visible from beyond the boundaries of the site. Not more than 25- percent of any window area may be so occupied. Window Graphics may be utilized where Wall Signs are permitted, provided they conform to the area and sign classification limitations for the Zoning District.

Temporary Window Graphics, such as those advertising a special sale or decorative holiday displays, shall not be calculated in the aggregate area and shall not require a permit.

**1908.34 Window Graphic (Permanent)**

Permanent Window Graphics shall be calculated in the maximum aggregate sign area for the site and shall require a permit. Window Graphics may be utilized where wall signs are permitted, provided they conform to the area and sign classification limitations for the Zoning District.



# ARTICLE 20

## EXEMPTIONS, EXCEPTIONS, AND NONCONFORMANCES

### 2001 PURPOSE

#### 2001.01

To specify statutory exemptions and other types of structures and uses of land which are exempt from all or part of these Zoning Regulations.

#### 2001.02

To allow any use of land or structure to continue as long as it lawfully existed at the time these Zoning Regulations became effective or were amended, even if the use, structure, lot, or site improvement does not now conform with the regulations for the Zoning District in which it is located; and

#### 2001.03

To identify and limit the continuing existence of nonconforming uses, lots, and structures.

### 2002 EXEMPTIONS

#### 2002.01 Statutory Exemptions

- A. These Zoning Regulations shall not prevent, restrict, or otherwise regulate the use or occupation of land or improvements for railroad, mining, metallurgical, grazing, or general agricultural purposes if the tract concerned is five or more contiguous commercial acres, as provided by Arizona Revised Statutes. To obtain agricultural exemptions, the property owner must demonstrate that the use is exempt under the general agricultural provisions defined in Article 2 of these Zoning Regulations. All exemptions shall be determined by the use of the land and are only for that particular use. If the use changes and the new use is not exempt, the new use shall comply with these Zoning Regulations.
- B. Uses determined to be exempt under this Section that requires review by the Health or Highway and Floodplain Department shall be required to file for an Informational Permit pursuant to Article 17.
- C. Pursuant to Article 17, the placement of any manufactured home or factory-built building on a site shall require an installation permit, regardless of exemption status as required by the Arizona Department of Housing.



- D. Pursuant to Arizona Revised Statutes (Planning and zoning; military airport and ancillary military facility's operation compatibility): A single-family residential use that is the primary residence for persons engaging in agricultural use and ancillary residential buildings incident to the primary agricultural use, which is located in a high noise or accident potential zone, or in the vicinity of a military airport or ancillary military facility (as defined in Title 28 of Arizona Revised Statutes), are not exempt from the noise reduction levels required for the design and construction of new residential buildings or expansions of residential buildings and other possible prohibitions on construction as set forth in the Arizona Revised Statutes.

#### **2002.02 Essential Services Exemptions**

The following uses are exempt from the Zoning Regulations; however, where indicated below, they are not exempt from the Building Code. In addition, these uses may be subject to other governmental regulations adopted by Cochise County and other governmental agencies such as Health, Highway, and/or Floodplain Departments. The following uses do not require a building/use permit under these Zoning Regulations:

- A. Rights-of-way for streets, alleys, drainage ways, and other public and non-public rights-of-way.
- B. Transmission lines for the distribution of franchised public or private utilities, including meter boxes, pipes, poles, wires, hydrants, or similar installations necessary to distribute utilities such as water, gas, wastewater, electricity, telephone, telegraph, television, and radio. More substantial structures with the potential to impact the surrounding community, such as substations, booster stations, buildings, water tanks, communication equipment, and communication towers, are not exempt and must be located to minimize any adverse impacts generated by that structure. All such structures, however, are exempt from minimum site area requirements of the applicable Zoning District, provided that there is an adequate site area to minimize any adverse impacts of such use. The County Zoning Inspector may waive or modify site development standards for more substantial structures approved as part of a subdivision review process, provided that adverse impacts are minimized.
- C. Essential governmental services of public agencies (local, State, and Federal), including schools and special districts such as drainage, flood control, irrigation, fire, and sanitation, and including facilities, attendant appurtenances, and accessories used by such agencies. Shared uses by public agencies and private parties shall not be exempt unless determined by the County Zoning Inspector that the proposed use by a public agency meets the intent of an essential governmental service. Only public agencies shall be deemed essential government services. The building code does apply to this class of uses.
- D. Pursuant to Article 17, the placement of any manufactured home, rehabilitated mobile home or factory-built building on a site shall require an installation permit, regardless of the exemption status.

#### **2002.03 Height Exceptions**

Height regulations established elsewhere in these Zoning Regulations shall not apply to the following in any district: chimneys, flagpoles (but not higher than 10 feet above the height limitation for that Zoning District), parapet walls extending not more than four-feet above the height limit of the building, amateur radio and residential antennas and related structures, private windmills, Wind Energy Power Plants (See Article 18



for Wind Energy Systems height limits), anemometers, church spires, belfries, residential satellite dishes, cooling towers, water tanks, substation line-support towers, Solar Energy Systems, and Solar Energy Power Plants.

## **2003 NONCONFORMANCES**

### **2003.01 Nonconforming Lots**

- A. Any lot or parcel of record having less site area than required for the Zoning District in which it is located which lawfully existed either prior to January 1, 1975, or which was rendered nonconforming as a result of subsequent amendments to these regulations may be developed provided the developer complies with all applicable site development standards of these regulations.
- B. Any contiguous nonconforming lots or parcels which come under single ownership are considered combined and subject to all provisions of these Zoning Regulations if:
  - 1. The combined parcels have been assessed and taxed as a single parcel.
  - 2. The owner of the lots has combined the lots in any manner for purposes of building or use permit approval; or
  - 3. There is other evidence showing an intent to combine or use more than one lot as a single parcel.
- C. Any lot or parcel of record having less site area than required for the Zoning District in which it is located and which lawfully existed prior to January 1, 1975, which was subsequently combined with an adjacent lot and, thereby, increased in size but remains smaller than the minimum lot size for the Zoning District in which it is located, shall continue to be deemed a legal, nonconforming lot or parcel. Any action that makes a substandard size lot more conforming to the minimum lot size shall not cause the discontinuance of the legal nonconforming status of the subject lot or lots.

### **2003.02 Continuing Existing Uses**

- A. Any use of land, lot, parcel, building, or structure, lawfully existing either prior to January 1, 1975, or rendered nonconforming as a result of subsequent amendments to these Zoning Regulations, may be continued even though such use does not now conform to these Regulations. It is often difficult for owners and the County to find and produce evidence of use prior to January 1, 1975. Accordingly, for purposes of determining use under this subsection, the use prior to January 1, 1975, may be inferred from the best available historical evidence, but in all events, any such evidence must demonstrate or suggest the use at least ten years prior to the date of the determination of nonconforming use.
- B. Nothing herein shall be construed to prevent the continued use or reasonable repair or alteration of a non-conforming structure or use for the purpose used at the time such use became nonconforming.

### **2003.03 Discontinuance of Nonconforming Uses**

- A. If a nonconforming use of land, building, or structure is changed to a permitted use or is discontinued for a period of 36 consecutive months as a result of conduct within the control of or attributable to the property owner, any future use thereof shall be in conformity with these Zoning Regulations.
- B. In the event that a nonconforming use of land, building, or structure is destroyed by fire, explosion, an act of God, or act of the public enemy, then the future use shall from and after the date of such destruction, be subject to all of these Zoning Regulations or amendments thereto for the Zoning District in which such future use is located. However, property owners whose structures were damaged or destroyed by a catastrophic event that the Board of Supervisors declares to be an emergency and who wish to repair or rebuild structures deemed non-conforming are exempt from this requirement.

### **2003.04 Expansion of A Nonconforming Use**

- A. A nonconforming use of land, building, or structure shall not be enlarged, extended, reconstructed, or structurally altered unless such enlargement, extension, reconstruction, or structural alteration conforms with these Zoning Regulations for the Zoning District in which such property is located, except:
  - 1. That a nonconforming business use may expand with a permit, provided it meets all current site development standards; or
  - 2. That a nonconforming business use may expand if such expansion does not exceed 100-percent of the area of the original business provided that such expansion remains within the original parcel boundaries; or
  - 3. That the expansion of a non-conforming residential use may extend walls on the same alignment as the non-conforming structure so long as the overall expansion of the structure does not exceed 75 percent of the original building floor area; or
  - 4. That apartments, manufactured home parks, mobile home parks, and RV parks are considered residential uses, not commercial uses, as applied to this Article, and therefore not permitted to expand.
- B. If a nonconforming use of land is nonconforming due to driveway location, driveway apron improvement surface, or sight visibility as specified in Article 18, no enlargement, extension, reconstruction, or alteration shall occur until there has been provision made to correct the access or sight visibility deficiencies.

### **2003.05 Change of Nonconforming Use or Relocation Of Structures**

- A. If no structural alterations are made, any nonconforming use of land, building, or structure may be changed to another nonconforming use, provided that the proposed use does not generate any greater impacts on the surrounding property as determined by the County Zoning Inspector.
- B. No nonconforming structure shall be moved any distance on the same parcel or lot unless such relocation reduces the amount of the nonconformance and will not generate any greater impacts on surrounding properties as determined by the County Zoning Inspector.

#### **2003.06 Setbacks for Structures on Nonconforming Residential Parcels**

- A. For any nonconforming lot or parcel of record in a residential district, the minimum setbacks and distances between buildings may be reduced as follows:
  - 1. Minimum Front or Street Setback: 15 feet
  - 2. Minimum Setback All Other Sides: five feet
  - 3. Minimum Distance Between Principal Buildings: seven and one-half-feet
- B. For any nonconforming lot shown on a tentative plat that was approved by the Planning Commission prior to January 1, 1975, for which effective covenants, conditions, and restrictions (CC&Rs) of record exist; or for any lot on a final plat of record in the County Recorder's Office for which both the plat and effective CC&R's were recorded prior to January 1, 1975, the minimum setbacks and distances between principal buildings specified in the CC&R's may be used in place of the distances otherwise required under these Zoning Regulations, provided that they shall not be reduced below the minimum distances shown in Section A above.

#### **2003.07 Improvements on Nonconforming Lots**

For any nonconforming lot or parcel of record, permits may be issued in very narrow circumstances for fences and building code repairs or replacements, such as a re-roof, that do not increase the level of nonconformance.

# ARTICLE 21

## BOARD OF ADJUSTMENT

### 2101 JURISDICTION AND POWERS

The Board of Adjustment, as established per A.R.S. 11-816, shall have the following powers and may exercise any other powers specifically conferred by any provision of these Zoning Regulations.

#### 2101.01 Interpretations and Appeals Of Interpretations

The Board of Adjustment shall have the power to interpret any word, phrase, or section of these Zoning Regulations when there is a dispute between the Appellant and the County Zoning Inspector or when the location of any Zoning District boundary is in doubt.

An appeal concerning the interpretation or administration of these Zoning Regulations may be taken to the Board of Adjustment by any person aggrieved or affected by any decision of the County Zoning Inspector. Such appeal shall be taken within 30-calendar days by filing with the County Zoning Inspector a notice of appeal specifying the grounds, therefore, on forms provided by the Inspector. The County Zoning Inspector shall transmit to the Board of Adjustment all papers constituting the record of the action being appealed. Such appeal shall stay all proceedings in the matter being appealed unless the County Zoning Inspector certifies to the Board of Adjustment that, by reason of the facts stated in the certificate, the stay would, in his opinion, cause imminent peril to life or property. In such case, proceedings shall not be stayed except by a restraining order granted by the Board of Adjustment or by a court of record. The Board of Adjustment shall fix a time for hearing the appeal and give notice thereof to the parties in interest and the public as set forth herein.

Appeals of decisions made by the County Zoning Inspector that fall within the scope of Arizona Revised Statutes shall follow those procedures established by ordinance by the Board of Supervisors for the processing of such appeals.

#### 2101.02 Variances

- A. Power: The Board of Adjustment may allow variances from the terms of these Zoning Regulations.
- B. The Board of Adjustment shall consider the following finding of fact when approving or denying a variance request.
  - 1. The strict application of the terms of these Zoning Regulations would work an unnecessary hardship.
  - 2. The unnecessary hardship arises from a physical condition that is unusual or peculiar to the property and is not generally caused to other properties in the zone.
  - 3. The unnecessary hardship does not arise from a condition created by an action of the owner

of the property.

4. The Variance is the minimum to afford relief.
5. The Variance does not allow a use that is not permitted in the zone by the Zoning Regulations.
6. The Variance will not cause injury to or adversely affect the rights of surrounding property owners and residents.
7. The Variance is in general harmony with the intent and purposes of the Zoning Regulations.
8. The Variance does not violate state or federal law.

These Zoning Regulations are generally intended to yield results that are in compliance with all other applicable laws. Accordingly, a request for a “reasonable accommodation” in these regulations, pursuant to any Federal or State housing law or other similar legislation, as may be necessary to afford an equal opportunity to housing under any such law, shall be an appropriate condition for a Variance from the strict application of these Zoning Regulations. The Board of Adjustment is authorized to grant any such Variance to the extent that any such accommodation is required pursuant to any applicable State or Federal law.

Any decision of the Board of Adjustment allowing a Variance shall be considered for revocation by the County Zoning Inspector if substantial construction, in accordance with the plans for which such Variance was granted, has not been initiated within 12 months of the date of approval, building permit issuance, or if judicial proceeding to review the Board of Adjustment’s decision has been instituted, 12-months from the date of entry of the final order in such proceedings, including appeals. Additionally, if any of the conditions of the Variance approval are not complied with within 12 months or within the time set by the Board, it shall be revoked after 30-calendar days’ written notice to the owner and Applicant unless a request for a review hearing before the Board of Adjustment is made by the Applicant within this 30-calendar day appeal period. The Board of Adjustment may grant reasonable extensions to the time limits upon a hearing pursuant to a timely written request by the Applicant.

## **2102 APPLICATION FOR VARIANCE**

Application for any Variance from these Zoning Regulations shall be made to the Board of Adjustment after the formal applicable permit application has been submitted and reviewed. Such applications shall be made on forms prescribed by the Board of Adjustment, shall be filed with the County Zoning Inspector, and shall be accompanied by: Reasons for requesting the Variance, which shall include a notation of the specific provisions of the Zoning Regulations under which the Variance is requested. Any documents necessary to demonstrate compliance with the cited provision shall be attached.

## **2103 FEES**

Applications to the Boards of Adjustment shall be accompanied by the appropriate fee as set forth in the adopted Development Services Fee Schedule.

#### **2104 HEARINGS**

Upon receipt of notice of appeal of interpretation, application for a Variance, or any other application properly invoking its jurisdiction, the Board of Adjustment shall schedule a public hearing to take place within a reasonable time frame established by the County Zoning Inspector. Public notice of every hearing shall be given not less than 15-calendar days prior to the hearing by the publication of the notice at least once in a newspaper of general circulation in the County seat.

In the case of a Variance, the property shall also be posted not less than 15-calendar days in advance of the hearing. Notice shall also be mailed, via first class, to each real property owner, as shown on the last assessment of the property, within 300 feet of the proposed Variance.

#### **2105 DECISIONS**

Every decision of the Board of Adjustment shall be based upon findings of fact, and every finding of fact shall be supported in the record of its proceedings.

#### **2106 CONDITIONS**

In approving any Variance, the Board of Adjustment may prescribe appropriate conditions in harmony with the general purpose of these Zoning Regulations, which will maintain the integrity and character of the Zoning District where the use is situated. Failure to fulfill any condition shall be deemed a violation of these Zoning Regulations.

#### **2107 APPEAL OF A DECISION MADE BY THE BOARD OF ADJUSTMENT**

Any person aggrieved by a decision of the Board of Adjustment may at any time within 30-calendar days of such decision appeal to the Superior Court, and the matter shall be heard in like manner as appeals from courts of justices of the peace.





# ARTICLE 22

## AMENDMENTS

### 2201 AUTHORITY

The Board of Supervisors may, after receiving a recommendation from the Planning Commission and after holding a public hearing as required by law, amend these Zoning Regulations or amend Zoning District classifications or boundaries. Amendments may be initiated pursuant to an application or by the Planning Commission on its own motion.

### 2202 AMENDMENTS INITIATED BY THE BOARD OF SUPERVISORS, PLANNING COMMISSION, OR PLANNING DIRECTOR

In addition to amendments initiated by application as described in Section 2204, to provide timely and appropriate amendments with due consideration of the Comprehensive Plan, the Board of Supervisors, Planning Commission, and Planning Director shall follow the procedures set forth in Section 2205 whenever the Board of Supervisors, Planning Commission or Planning Director initiates an amendment of these Zoning Regulations or amendments to the Zoning District classifications or boundaries.

### 2203 CITIZEN REVIEW PROCESS

- A. The purpose of the citizen review process is to achieve the following:
  - 1. Ensure that Applicants pursue early and effective citizen review in conjunction with their applications, giving them the opportunity to understand and try to mitigate any real or perceived impacts their application may have on the neighborhood or community.
  - 2. Ensure that the citizens and property owners of Cochise County have an adequate opportunity to learn about applications that may affect them and to work with Applicants to resolve concerns at an early stage of the process; and
  - 3. Facilitate ongoing communication between the Applicant, interested citizens and property owners, County staff, and elected and appointed officials throughout the application review process.
- B. The citizen review process is not intended to produce complete consensus on all applications but to encourage Applicants to be good neighbors and to allow for informed decision-making.
- C. To maximize the opportunity for citizen involvement in the application process that is described in the following sections and to resolve any neighborhood issues at an early stage in the process, the following requirements shall be included in the application process:
  - 1. Prior to submitting a formal application, an Applicant shall participate in a pre-application meeting with planning staff. This meeting has a two-fold purpose:



- a. To go over the application requirements, including a Citizen Review Report; and
  - b. To familiarize staff with the project and identify and discuss any issues related to the application.
2. At a minimum, the Applicant shall notify and, if requested, meet with homeowners or community associations nearest the subject parcel and all adjacent and potentially impacted property owners. These property owners shall be defined to include:
  - a. All of those who own property located within the area subject to the application.
  - b. Notice to real property owners, as shown on the most recent available records of the last property tax assessment within a radius of no less than 300 feet of the subject parcel(s), as shown on the most recent available records of the last property tax assessment. The County Zoning Inspector may expand the mailed notification area to greater than a 300-foot radius at the time of application acceptance if there are compatibility concerns associated with the request.
  - c. Rezoning to less intensive Districts do not require a Citizen Review.
  - d. 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, and “Applicant” refers to anyone other than the Planning Commission.
3. This notification shall include a description and location of the project and how verbal and written comments can be submitted. If a public meeting(s) is scheduled, the time, date, and location of the meeting(s) shall be included.
4. A Citizen Review Report documenting the above process shall be required as part of the application submittal. At a minimum, this report shall include:
  - a. Copies of notices sent to property owners, homeowners, and community associations.
  - b. Copies of all information provided to the public.
  - c. Signup sheets from all public meetings, if any.
  - d. Any responses received from the public during this process; and
  - e. A description of how the Applicant responded to this feedback.

#### **2204 AMENDMENTS INITIATED BY APPLICATION**

A property owner or authorized agent of a property owner desiring a text amendment to the Zoning Regulations or desiring an amendment in a Zoning District classification or boundary, for either a single parcel or contiguous parcels, shall apply to the Board of Supervisors for such amendment by filing with the Planning Director a properly completed application in the manner prescribed by these Zoning Regulations. Any interested person may apply to amend these Zoning Regulations in a similar manner.

The Planning Director has established a schedule of cut-off dates when all required material must be submitted to place an amendment application on the agenda of a Planning Commission meeting. These dates are generally 45-calendar days in advance of the meeting to allow adequate time to meet legal notification requirements and to prepare a report on the proposed amendment.

**2204.01 An Application to Amend These Zoning Regulations Shall Include:**

- A. The Applicant's name, address, and interest in the amendment.
- B. The proposed amendment to the Zoning Regulations.
- C. Statements in support of the application, including a list of present conditions justifying the proposed amendment.
- D. Application fee as set forth in the adopted Planning and Zoning Fee Schedule.

**2204.02 An Application to Amend a Zoning District Classification or Boundary Shall Include:**

- A. The name and address of all owners of the property for which a Rezoning is sought, together with proof of ownership such as a copy of the deed of ownership, title report, or tax notice.
- B. If the Applicant is not the current owner of record of the subject property, the application shall also include:
  - 1. The Applicant's name, address, and interest in the amendment.
  - 2. Proof of agency, including a listing of every real party in interest, whether a beneficiary of a trust or otherwise, when the Applicant represents another person, firm, partnership, or corporation.
    - a. If the land is owned by a corporation, proof of agency shall consist of a corporate resolution designating the individual to act as an agent. The corporate resolution must be certified by the secretary of the corporation and authenticated by the corporate seal or acknowledged in the form prescribed by Arizona Revised Statutes.
    - b. If the land is owned by a partnership, proof of agency shall consist of a written document of the partner(s) designating an individual to act as an agent. The document must be certified and acknowledged in the form prescribed by Arizona Revised Statutes.
    - c. If the land is owned by an individual, proof of agency shall consist of a written document designating an individual to act as an agent. The document must be certified and acknowledged in the form prescribed by Arizona Revised Statutes.
- C. The proposed amendment to the Zoning District classification.
- D. A map drawn to scale showing the existing and proposed District boundaries and an accurate legal description of the area being petitioned for amendment. Such map and legal description shall be certified by an Arizona Registrant, registered with the Arizona Board of Technical Registration, whenever approval of the amendment would establish more than one Zoning District on any lot of record. In some circumstances, a master development plan will also be required (See Article 4).

- E. Statements reflecting the present conditions justifying the proposed amendment; statements showing that the parcel fulfills the criteria for the establishment of the proposed District (Section 2208), or, in the absence of the ability to comply, statements as to why the presumption against the Rezoning should be overcome; and any other factors or reasons in support of the proposed amendment.
- F. A Citizen Review Report per Section 2203.C.4.
- G. A non-refundable application fee as set forth in the adopted Planning and Zoning Fee Schedule, except the fee, shall not be applicable when the Applicant is acting in his capacity as an official or agent of any city, the County, the State, the Federal government, or other governmental entity. Private developers on public lands are not exempt from the fee.

#### **2205 PLANNING COMMISSION ACTION ON APPLICATION**

Upon a finding by the Planning Director that an application has been completed in conformance with Section 2204, it shall be assigned a docket number, and a report shall be prepared.

If the application is for an amendment to a Zoning District classification, the Planning Director shall prepare a report evaluating the application in accordance with the criteria for the district to be formed in Section 2208 and shall transmit the report to the Planning Commission and the Applicant prior to the hearing.

#### **2206 PLANNING COMMISSION ACTION**

Upon receipt of the application, the Planning Director shall submit it to the Planning Commission for consideration. Prior to reporting to the Board, the Planning Commission shall:

##### **2206.01**

Hold at least one public hearing thereon after at least 15-calendar days' notice by one publication in a newspaper of general circulation in the County seat and by posting the area included in the proposed change. The posting shall be in no less than two places with at least one notice for each quarter mile of frontage along perimeter public rights-of-way so that the notices are visible from the nearest right-of-way.

##### **2206.02**

The Planning Commission shall also send notice by first class mail to each real property owner, as shown on the most recent available records of the last property tax assessment within a radius of no less than 300 feet of the subject parcel(s), as shown on the most recent available records of the last property tax assessment. The County Zoning Inspector may expand the mailed notification area to greater than a 300-foot radius at the time of application acceptance if there are compatibility concerns associated with the request.

The notice sent by mail shall include, at a minimum, the date, time, and place of the hearing on the proposed amendment or change, including a general explanation of the matter to be considered, a general description of the area of the proposed amendment or change, and how the real property owners within the zoning area may file approvals or protests of the proposed Rezoning.



**2206.03**

If the matter to be considered applies to territory in a high noise or accident potential zone as defined by Arizona Revised Statutes, the notice shall include a general statement that the matter applies to property in a high noise or accident potential zone. In proceedings involving the Rezoning of land that is located within territory in the vicinity of a military airport as defined in Arizona Revised Statutes, the Planning Commission shall send notice of the public hearing by first class mail to the military airport.

**2206.04**

In proceedings that are initiated by the Planning Commission involving Rezoning, notice by first class mail shall be sent to each real property owner, as shown on the most recent available records of the last property tax assessment, of the area to be rezoned, in addition to the notice to the adjacent property required above.

**2206.05**

In proceedings involving one or more of the following proposed changes or related series of changes in the standards governing land uses, notice shall be provided in the manner prescribed by Section 2206.06:

- A. A ten percent or more increase or decrease in the number of square feet or units that may be developed.
- B. A ten percent or more increase or reduction in the allowable height of buildings.
- C. An increase or reduction in the allowable number of stories of buildings.
- D. A ten percent or more increase or decrease in a setback or open space requirements.
- E. An increase or reduction in permitted uses.

**2206.06**

In proceedings governed by 2206.05, the County shall provide notice to real property owners pursuant to at least one of the following notification procedures:

- A. Notice shall be sent by first class mail to each real property owner, as shown on the last assessment, whose real property is directly affected by the changes.
- B. If the County issues utility bills or other mass mailings that periodically include notices or other information or advertising materials, the County shall include notice of such changes with such utility bills or other mailings.
- C. The County shall publish such changes prior to the first hearing on such changes in a newspaper of general circulation in the County. The changes shall be published in a "display ad" covering not less than one-eighth of a full page.

**2206.07**

If notice is provided pursuant to 2206.06.B or C., the County shall also send notice by first class mail to persons who register their names and addresses with the County as being interested in receiving such notice. The County may charge a fee not to exceed five dollars per year for providing this service and may adopt procedures to implement this paragraph.

**2206.08**

Notwithstanding the notice requirements set forth in 2206.05, the failure of any person or entity to receive notice shall not constitute grounds for any court to invalidate the actions of the County for which the notice was given.

**2206.09**

After holding a public hearing, the Planning Commission shall make a recommendation on the proposed amendment and shall forward it to the Board of Supervisors for its action. If the Planning Commission has held a public hearing, the Board may adopt the recommendations of the Planning Commission using a consent calendar without holding a second public hearing if there is no objection, request for a public hearing, or other protests. If there is an objection, a request for a public hearing, or a protest, the Board shall hold a public hearing thereon at least 15-calendar days' notice of which shall be given by one publication in a newspaper of general circulation in the County seat and by posting the area included in the proposed change.

**2207 BOARD OF SUPERVISORS ACTION****2207.01**

Upon receipt of the Planning Commission's recommendation, the Board shall hold a public hearing at least 15-calendar days' notice which shall be given by one publication in a newspaper of general circulation in the County seat and by posting the area included in the proposed change. After holding the hearing, the Board may adopt the amendment by a majority vote of the Board.

**2207.02**

The Planning Commission may, on its own motion, propose an amendment to the Zoning Regulations and may, after holding a public hearing as required by this Article, transmit the proposal to the Board, which shall thereupon proceed as set forth in this Article for any amendment.

**2207.03**

Notwithstanding the provision of Arizona Revised Statutes, a decision by the Board involving the Rezoning of land which is not owned by the County and which changes the zoning classification of such land or which changes the zoning standards of such land as set forth in subsection 2206.05 may not be enacted as an emergency measure, and such a change shall not be effective for at least 30-calendar days after final approval of the change in classification by the Board. Unless a resident files a written objection with the Board of Supervisors, the Rezoning may be enacted as an emergency measure that becomes effective immediately by a two-thirds majority vote of the Board.

#### **2207.04 Reversion Period**

The Board may approve a change of zone conditioned on a specific use or uses and/or a schedule for the development of the specific use or uses for which the Rezoning was requested. If the property has not been improved for the use for which it was conditionally approved, the Board may revert the zoning back to what it was previously. The Board shall schedule a public hearing to grant an extension, determine compliance with the schedule for development, or cause the property to revert to its former zoning classification. The owner or Applicant who requested the Rezoning shall be notified of the hearing by registered mail.

### **2208 CRITERIA FOR THE ESTABLISHMENT OF A ZONING DISTRICT IN ACCORDANCE WITH THE COMPREHENSIVE PLAN**

#### **2208.01 Purpose**

It is the intent of this section to establish the rank order of Zoning Districts from least intensive to most intensive and to establish criteria that will enable County staff, the developer, his or her neighbors, the Planning Commission, and the Board of Supervisors to determine if a zoning amendment is in conformance with the goals and policies established in the Comprehensive Plan.

#### **2208.02 Intensity of Zoning Districts**

The determination of the relative intensity of the Zoning Districts is based upon both the types of uses permitted and the maximum density of development. Some Zoning Districts are grouped into one intensity level ranking since their overall impact on an area can be expected to be similar. For the purpose of establishing Zoning Districts, the following Zoning Districts are rank-ordered from least intensive to most intensive:

- A. RU-36 or SM-36 Acres or SR-36 Acres
- B. RU-18 or SM-18 Acres or SR-18 Acres
- C. RU-10 or SM-10 Acres or SR-10 Acres
- D. RU-4 or SM-174 (4-acres) or SR-174 (4-acres)
- E. RU-2 or SM-87 (2-acres) or SR-87 (2-acres)
- F. SR-43
- G. SM-36 or R-36
- H. SR-22
- I. SM-18 or R-18
- J. SR-12
- K. SM-9 or R-9
- L. SR-8
- M. MR-1 or MR-2
- N. NB
- O. PD
- P. GB
- Q. LI
- R. HI



### **2208.03 Rezoning Criteria**

A. **Mandatory Compliance: Permitted Districts by Plan Designation or Other Adopted Plans Within Each Plan Designation or Area**, as depicted in Article 4, only those Zoning Districts which are compatible with the characteristics of that Designation or Area may be formed. A PD (Planned Development) Zoning District may be proposed in any Plan Area or Designation. Further, if a master development plan, transportation plan, or other land use plan has been adopted for the area encompassing the Rezoning, the Rezoning shall be consistent with the adopted plan. To protect the integrity and purpose of the County Comprehensive Plan, compliance with this factor is mandatory. If the desired Zoning District is not permitted in the existing Plan Designation or Area, then it cannot be formed unless a plan change is first obtained according to the provisions of Article 4. This section shall not be construed to prevent the continued existence of nonconforming Zoning Districts which were formed prior to the adoption of these Zoning Regulations.

B. **Rezoning Evaluation Factors**

The Planning Commission and the Board of Supervisors shall consider the factors listed below in deciding whether to approve a Rezoning. The Rezoning factors represent policy decisions by the Planning Commission and the Board of Supervisors, reducing uncertainty concerning their probable response to a given request. Compliance or non-compliance with applicable factors serves as the basis for analyzing the Rezoning and determining the factors in favor or against the zoning. In most Rezonings, there will be both factors in favor and factors against a land use. Consequently, the importance of individual factors will be analyzed and balanced against other factors when making a recommendation; individual factors may weigh more heavily than other factors. No set of factors, however, can totally determine the acceptability of all land use proposals. For example, a property owner who adequately demonstrates compliance with the intent of Comprehensive Plan goals and policies may be able to receive approval despite non-compliance with any individual factor. Conversely, a determination that unusual circumstances exist or there is great public protest pertaining to a Rezoning request may result in denial even though the Rezoning appears to comply with other factors.

If the proposed District does not meet the applicable requirements for street, sewer, or water improvements, the Board may condition approval of the Rezoning upon completion of such improvements. The Board may require appropriate improvement security or use the mechanism of building permit, subdivision plat, or master development plan approval to cure these deficiencies.

Compliance with applicable factors below constitutes factors in favor of the Rezoning:

1. The Applicant's application is accompanied by a Land Use/Concept Plan, which at a minimum includes:
  - a. Non-residential
    - (1) The type(s) of use(s) planned for the site is specified.



(2) The general location, size, and height of all structures, location, surface and width of driveways, general location and number of parking spaces, setbacks, proposed screening and landscaping, and any significant topographical features such as washes, wetlands, cultural, archaeological, or historical sites, hills, and rock outcroppings.

b. Residential: A conceptual subdivision plat and a statement that a subdivision plat will be submitted within 18 months to 3 years.

2. Compliance With Applicable Site Development Standards

All sites within the proposed District must be capable of reasonable development for typical uses within the proposed District through compliance with all applicable site development standards. This criterion applies to the formation of all Zoning Districts in all plan areas. When a Rezoning would render existing uses or structures non-conforming because of different site development standards, at the time of the Rezoning, the Board of Supervisors may determine which site development standards apply.

3. Adjacent Districts Remain Capable of Development

The proposed District shall not result in the reduction of remaining adjoining Zoning Districts to size or shape incapable of reasonable development for typical uses within that District.

4. Limitation on Creation of Nonconforming Uses

The Rezoning of an area containing a high percentage of uses that do not conform to the Zoning Regulations of the proposed District should be discouraged. Exceptions should be granted only when a determination is made that other advantages offered by the proposed Rezoning offset the undesirable effects of the nonconforming lots or uses that will be created, as may often be the case in Neighborhood Rehabilitation and Enterprise Redevelopment designations.

5. Compatibility With Existing Development

The proposed Zoning District(s) bear a logical relationship to surrounding Zoning Districts.

6. Rezoning to More Intense Districts

If Rezoning to a more intense Zoning District, which abuts less intense Zoning Districts, the Applicant has demonstrated that the less intense Districts are protected in one or more of the following ways:

- a. The proposed District is buffered by an intermediate District of sufficient size to provide a reasonable transition of intensity from the existing area (as a guide, a reasonable transition is considered to be a difference of intensity or density of two levels as defined in 2208.02).
- b. The proposed District is a reasonable extension of a similar density District within the area.
- c. The proposed District provides a transition between an existing less intense District and a more intensive District or an arterial street; or

- d. The proposed District is designed to 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. (Note: When an HI District is proposed in a Comprehensive Plan Rural Area, this factor may be the only applicable factor because it is unlikely that a reasonable transition can be provided between the existing Rural Zoning District and the HI District.)

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. The Applicant shall provide data supporting the estimated traffic volumes as part of the application.
- b. If the site accesses 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. Sufficient information has been provided to effectively evaluate this criterion, such as a Traffic Impact Analysis.

8. Traffic Circulation Criteria

- a. Any Rezoning shall be consistent with the preservation of the functions of surrounding streets as defined in the County Comprehensive Plan.
- b. If the Rezoning is to GB, LI, or HI, the development shall not result in the use of any residential street for through traffic to and from the proposed District.
- c. Consideration of future circulation needs in the surrounding area has been considered through right-of-way dedication and off-site improvements if warranted. Sufficient information has been provided to effectively evaluate this criterion, such as a Traffic Impact Analysis.

9. Development along Major Streets

The Rezoning size limits the number of access points on major thoroughfares or arterial streets, and County 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

If Rezoning to GB, LI, or HI, the site is in an existing Enterprise or Enterprise Redevelopment plan designation area. 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

The uses proposed in any Rezoning shall incorporate water-saving measures that meet or exceed all Cochise County requirements included in the Comprehensive Plan, Strategic Plan, adopted area plan, Building Code, or Zoning Requirements. For each request, the applicant shall identify the source of the water being used, an estimate of water quantity required for the proposed use, water-use minimization measures to be implemented, water-recycling measures to be implemented, and any measures used to enhance onsite recharge. In the Sierra Vista Sub-Watershed Overlay Zone, private, voluntary retirement of development rights proposed by an Applicant within two miles of the San Pedro Riparian National Conservation Area or within one mile of the Babocomari River may be a factor in favor of their request for concomitant density increases elsewhere in the County.

13. Public Input

If there is major public opposition to a proposed Rezoning, this may indicate that the technical evaluation regarding the 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 through the Citizen Review Process.

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 Applicable Area Plan, Master Development Plan, or Comprehensive Plan Policies

The proposed uses and design are in substantial conformance with the adopted area plan, master development plan, or Comprehensive Plan policies.

#### **2209 MODIFICATIONS OF CONDITIONS OF APPROVED REZONINGS**

After conditional approval of a Rezoning action, an Applicant may request that the Board of Supervisors, through a public hearing following the notification requirements of 2206.02, modify the conditions of approval or grant an extension for compliance with said conditions. Such requests for modification must be presented to the County Planning Director in written form and provide sufficient justification to consider the request. Such written requests to modify conditions of Rezoning approval or to grant a time extension shall be accompanied by the appropriate non-refundable fee as set forth in the adopted Planning and Zoning Fee Schedule.

# ARTICLE 23

## ENFORCEMENT

### 2301 VIOLATIONS DEEMED A NUISANCE

Any building, structure, outdoor lighting or use erected or maintained, or any use of property contrary to the provisions of these Zoning Regulations is unlawful and constitutes a public nuisance.

### 2302 ACTION TO ENFORCE REGULATIONS

For any violation of these Zoning Regulations, the County Attorney may, and upon order of the Board of Supervisors, shall commence all necessary actions or proceedings to enforce these Zoning Regulations, including, but not limited to, actions to abate, enjoin, or remove the violating building, structure, outdoor lighting fixture or use.

### 2303 REMEDIES

All remedies concerning these Zoning Regulations shall be cumulative and not exclusive. Conviction and punishment of any person hereunder shall not relieve such persons from the responsibility of correcting prohibited conditions or removing prohibited buildings, structures, or improvements and shall not prevent the enforced correction or removal thereof. In addition to the other remedies provided herein, any adjacent or neighboring property owner especially damaged by the violation of any provision of these Zoning Regulations may institute, in addition to any other appropriate remedy or proceeding, an action for injunction, mandamus, or proceeding to prevent, abate or remove such unlawful erection, construction, reconstruction, alteration, maintenance or use.

If a property is in violation, the County Zoning Inspector may shorten the length of the permit to complete the project.

### 2304 PENALTIES

- A. Any person, firm, or corporation, whether as principal, owner, agent, tenant, employee, or otherwise, who violates any provisions of these Zoning Regulations or who violates or fails to comply with any order or regulation made hereunder shall be guilty of a misdemeanor, and upon conviction thereof, shall be punishable as provided for Class 2 misdemeanors by Arizona Revised Statutes. Such person, firm, or corporation shall be deemed guilty of a separate offense for each and every day during which such violation or failure to comply with these Zoning Regulations is committed continued or permitted.



- B. Paragraph A notwithstanding, each violation of these Zoning Regulations or failure to comply with any order or regulation hereunder may be processed by the County Zoning Inspector as a violation subject to a civil penalty as provided by Arizona Revised Statutes and heard by a duly appointed hearing officer, pursuant to the written rules of procedure for such hearings, as approved by the Board of Supervisors.



# ARTICLE 24

## SEVERABILITY

### **2401 SEVERABILITY**

The various parts of these Zoning Regulations are hereby declared to be severable. If any article, section, subsection, sentence, clause, phrase, or word of these Zoning Regulations is for any reason held to be invalid or unconstitutional by any court of competent jurisdiction, such decision shall not affect the validity of the remainder of these Zoning Regulations.

### **2402 REPEAL OF CONFLICTING REGULATIONS**

All regulations or ordinances or a portion of same in conflict with these Zoning Regulations or inconsistent with the provisions of these Zoning Regulations are hereby repealed to the extent necessary to give these Zoning Regulations full force and effect.

### **2403 EFFECTIVE DATE**

These Zoning Regulations shall become effective beginning August 25, 2022, and remain in full force and effect thereafter.



# ARTICLE 25

## FORECLOSURE REGISTRY/ REAL PROPERTY REGISTRATION SYSTEM

### 2501 PURPOSE AND INTENT

The purpose and intent of this Article are to establish a program to reduce the amount of deteriorating real property located within the County and real property suffering from blight or creating nuisances caused by the lack of adequate maintenance. The program includes a property registration requirement designed to assist in accomplishing the intent and purpose of this Article.

### 2501.01 Inspection, Registration, and Designation

- A. Except as otherwise provided in this Article, any mortgagee who holds a mortgage on the specified property upon which a notice of default event has taken place shall inspect that property or cause it to be inspected in accordance with this section. If the inspection reveals that the property is not being occupied by the mortgagor or by persons with the mortgagor's consent, the mortgagee shall register the property on forms to be provided by the County. In connection with that registration, the mortgagee shall also designate in writing a property manager to inspect, maintain and secure the property. A separate inspection, registration, and designation are required for each specified property.
- B. Mortgagees have a duty to maintain the current registration, update it as necessary, and re-register annually so long as the property remains a specified property.
- C. Registration pursuant to subsection 'A' of this section shall contain, at a minimum, the following information:
  - 1. The name and mailing address of the mortgagee and the physical address of the mortgagee if the mailing address is a post office box.
  - 2. A contact name and phone number for purposes of contacting the mortgagee.
  - 3. The name, address, and phone number of the property manager.
  - 4. The current occupancy status of the property.
- D. Any property manager designated pursuant to this section must be:
  - 1. A duly licensed property management company or property preservation company.
  - 2. A department or section of a mortgagee that is devoted to property management or preservation; or
  - 3. A service provider specifically employed by a mortgagee to provide property management or preservation within the County.
- E. The obligations listed in subsection 'A' of this section must be fulfilled within the time frames set forth below:





1. The property inspection must occur no later than fifteen calendar days following the notice of default event regarding the property.
  2. The property registration and designation of a property manager must occur no later than ten calendar days after the inspection.
- F. With respect to each specified property, the mortgagee and its designated property manager shall be responsible for maintaining the property until the parcel no longer qualifies under the definition of a specified property.

#### **2501.02 Registration Fee**

The Board of Supervisors, by resolution, shall adopt and/or amend fees to implement the provisions of this Chapter. The County shall have the authority to collect any additional fees owed to the County at the time the property is registered. Registration fees are not pro-rated nor refundable.

#### **2501.03 Maintenance**

- A. Specified property shall be maintained in accordance with applicable codes and regulations, including without limitation regulations pertaining to dangerous buildings, litter, and hazardous abatement.
- B. Pools and spas located on the specified property shall be kept in working order, so the water remains clear and free of pollutants and debris or drained and kept dry.
- C. Specified property shall be maintained in a secure manner so as not to be accessible to unauthorized persons. Doors, windows, gates, and other openings that make the property accessible must be closed and locked so that a key, keycard, tool, or special knowledge is necessary to gain access. Broken windows must be re-glazed or boarded.
- D. Specified property shall be posted with the name and contact phone number of the mortgagee or property manager. The posting shall be no less than eight and one-half inches by eleven inches and shall contain, along with the name and contact number, the words "THIS PROPERTY IS MANAGED BY" and "TO REPORT PROBLEMS OR CONCERNS CALL" or substantially similar wording. The posting shall be placed in a window adjacent to the entry door or attached to the exterior of the entry door. Exterior postings must be made of weather-resistant materials.
- E. Except as otherwise provided herein, compliance with this Article with respect to any specified property shall be the joint responsibility of the mortgagee and the property manager, as well as the property owner.

#### **2501.04 Waived Inspection and Maintenance**

- A. A mortgagee's obligation under this Article regarding inspection and maintenance of a specified property may be waived by the County if the mortgagee demonstrates to the satisfaction of the County that the circumstances set forth below exist:
  1. The mortgage documents either expressly prohibit the mortgagee and its agents from entering the property for purposes required herein or do not authorize entry to protect the mortgagee's interests in the property; and

2. There is a reasonable possibility, based on articulable evidence, that:
  - a. The obligor under the mortgage or an authorized occupant of the premises will report the entry as a trespass; or
  - b. The obligor under the mortgage will assert against the mortgagee, whether in a foreclosure proceeding or otherwise, a claim that the entry is a breach of the mortgage documents or constitutes an illegal or unauthorized entry on the property.

#### **2501.05 Limitations and Effect**

A. Nothing in this Article:

1. Requires a mortgagee or its agent or employee to violate any criminal law, any court order, or violate an automatic stay in a bankruptcy proceeding.
2. Creates a duty or obligation that is owed to, or runs in favor of, any person other than the County and those employees or agents acting on the County's behalf.
3. Creates or implies a cause of action in favor of, or available to, any person other than the County.

B. No act by a mortgagee or its officers, employees, agents, or contractors in compliance with this Article, and no omission of an act required by this Article on the part of a mortgagee or its officers, employees, agents, or contractors, shall be deemed or interpreted to:

1. Make the mortgagee, for any purpose, a "mortgagee in possession" of property subject to a mortgage.
2. Create a duty or obligation that is owed to, or runs in favor of, any person other than the County and those employees or agents who are acting on the County's behalf.
3. Create or imply a cause of action in favor of, or available to, any person other than the County.
4. Create, imply, or suggest liability in tort on the part of a mortgagee or its officers, employees, agents, or contractors, unless the act or omission would be actionable and result in liability independent of, and notwithstanding, the provisions of this Article.