

## ZONING ORDINANCE 11-11

### **AMENDING THE COCHISE COUNTY ZONING REGULATIONS TO PROVIDE REGULATORY RELIEF TO PROPERTY OWNERS WHOSE STRUCTURES WERE DAMAGED OR DESTROYED BY CATASTROPHIC EVENTS THAT ARE DECLARED EMERGENCIES BY THE BOARD OF SUPERVISORS TO QUALIFY FOR THE COCHISE COUNTY BUILDING SAFETY CODE OWNER-BUILDER AMENDMENT OPTION ON PROPERTIES LESS THAN FOUR ACRES**

**WHEREAS**, Section 802 of Title 11 of the Arizona Revised Statutes gives the County Board of Supervisors the authority to adopt Zoning Regulations to address land use; and

**WHEREAS**, Cochise County has adopted Zoning Regulations as permitted by law; and

**WHEREAS**, Zoning Regulations were originally adopted in Cochise County by the County Board of Supervisors in 1975 with major revisions adopted in 1984, 1999 and 2008; and

**WHEREAS**, it is the purpose of the Cochise County Owner-Builder Opt Out Amendment to allow owner-builders to opt out of the requirement for Plan Review and Site Inspections if they are located in areas defined by the Cochise County Zoning Regulations as “rural lands”; and

**WHEREAS**, the Cochise County Zoning Regulations provide the definition of “rural lands” for purposes of the Cochise County Building Safety Code; and

**WHEREAS**, the existing Cochise County Owner-Builder Opt Out Amendment provides relief to rural property owners from the expenses associated with full plan review and inspections; and

**WHEREAS**, it is the overall intent of Docket R-11-04 to: 1) provide regulatory relief to property owners affected by catastrophic events that are declared emergencies by the Board of Supervisors; and 2) revises the existing Cochise County Building Safety Code Owner-Builder Amendment Option to allow property owners whose structures were damaged or destroyed by catastrophic events that the Board of Supervisors declares an emergency, and who wish to repair or rebuild on properties less than four acres to qualify for the Owner-builder Residential Opt Out; and

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**Re: R-11-04 (Opt Outs)**

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**WHEREAS**, a public hearing has been held before the Cochise County Planning Commission on September 14, 2011 where the Commission recommended unanimous approval of Docket R-11-04 to the Board of Supervisors,

**NOW, THEREFORE, BE IT RESOLVED** that the Cochise County Zoning Regulations are hereby amended as set forth in Exhibit A, to be effective from and after October 27, 2011. Upon the effective date of these amended Cochise County Zoning Regulations all regulations and ordinances, or any portions of them, in conflict or inconsistent with these amended regulations shall be deemed to be repealed.

**PASSED AND ADOPTED** by the Board of Supervisors of Cochise County, Arizona, this 27th day of September, 2011.



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Patrick Call, Chairman  
Board of Supervisors

**ATTEST:**



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Katie Howard  
Clerk of the Board

**APPROVED AS TO FORM:**



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Britt W. Hanson, Chief Civil  
Deputy County Attorney

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EXHIBIT A:

RECOMMENDED AMENDMENT TO THE ZONING REGULATIONS

**Article 5 (Zoning Districts, Maps and Boundaries)**

Add the following language (shown in **boldface**) to Article 5 and Section 508:

508 Rural Zoned Districts

For the purposes of application of building codes, qualifying land for Owner-builder Residential Opt Out 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 Owner Built Rural Residential 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 A.R.S. section 11-861 et. seq. **Property owners whose structures were damaged or destroyed by catastrophic events that the BOS declares an emergency, and who wish to repair or rebuild on properties less than four acres may qualify for the Owner-builder Residential Opt Out.**