



## **COMMUNITY DEVELOPMENT DEPARTMENT**

*Planning, Zoning and Building Safety*

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### **MEMORANDUM**

TO: Board of Supervisors  
Through: Michael Ortega, County Administrator

FROM: Michael Turisk, Interim Planning Director   
For: Carlos De La Torre, P. E., Community Development Director

SUBJECT: Docket R-11-06 -- Proposed amendments to Article 17 of the Cochise County Zoning Regulations pertaining to Lot Development Administrative Modifications.

DATE: February 1, 2012 for the February 14, 2012 Board of Supervisors meeting.

### **Proposed Zoning Regulation Amendments: Lot Development Administrative Modifications**

The Board of Supervisors will consider amendments to Article 17 of the Cochise County Zoning Regulations concerning our Lot Development Administrative Modification process. The proposed amendments are intended to provide more flexibility in our requirements, but without compromising safety or quality of life for neighboring residents.

#### **I. BACKGROUND**

The purpose of Administrative Lot Modifications is to permit flexibility in how some of our site development standards, such as minimum setbacks, are applied to individual lots. The process is intended to reduce procedural delays by, for example, eliminating the need for a formal Variance process under certain circumstances, as well as to ensure due process in the review of unique and unusual development situations, such as those resulting from terrain constraints. In addition, the process is intended to encourage originality, flexibility and innovation in site planning and design, including those designs which maximize solar energy access. Although the Administrative Lot Modification process benefits the Applicant by reducing time and costs, the process is cognizant of the need to protect adjacent residents and properties from negative impacts, and to maintain the overall character or integrity of the area. Currently, per our current process, the following site development standards are eligible for a reduction of up to *20 percent*:

- Minimum setbacks;
- Maximum site coverage;
- Maximum building/structure height; and
- Minimum required parking spaces.

Furthermore, the minimum area of a particular site may be reduced as follows:

- Any lots that are in a Zoning District with a minimum site area of one acre or smaller (e.g., R; Residential), the minimum site area may be reduced up to *five percent*; and
- Any lots that are in a Zoning District with a minimum site area of more than one acre (e.g., RU; Rural), the site area may be reduced up to *two percent*.

A public process is required for all applications for Lot Development Administrative Modifications. This includes mailing notice of the request to neighboring property owners within 300 feet of the subject parcel. Staff decisions are based on comments from property owners, as well as the potential for negative impacts on surrounding properties.

The following criteria are currently used to evaluate Administrative Lot Modification applications:

1. The proposed modification must not violate any provisions of the County's Comprehensive Plan, area plans, adopted master plans or other provisions of the Zoning Regulations;
2. The proposed modification must be considered in the context of the surrounding community; (consistency with the scale and character of existing development);
3. The proposed modification must not substantially reduce the amount of privacy currently enjoyed by nearby property owners;
4. The proposed modification must not adversely impact traffic or traffic circulation, drainage, water conservation measures, sewage treatment systems and other such systems; and
5. The modification must not create a situation where the proposed use of the property will create a hazard or nuisance.

## II. PROPOSED TEXT AMENDMENTS

The proposed text amendments to Section 1715 of the Zoning Regulations are in **boldface**:

### 1715 Lot Development Administrative Modifications

#### 1715.01 Purpose

A. To allow flexibility in how some site development standards are applied to individual lots, but not to larger developments such as subdivisions.

**B. To provide flexibility in site development and building code standards that may be appropriate to facilitate improvements in Neighborhood Rehabilitation (NR) and Enterprise Redevelopment (ER) 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 reduction of up to ~~20~~ **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 ~~5~~ **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 ~~2~~ **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 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 ~~Planning~~ **Community Development** Department in writing within 15 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 day comment period.

B. The Zoning Inspector shall use the following criteria to evaluate the proposal:

1. The proposed modification will not violate any provisions of the Cochise County Comprehensive Plan, area plans, duly adopted master plans or other provisions of these Regulations.

2. The proposed modification(s) will be considered in light of the surrounding community, including scale and character with existing neighboring land uses, and shall not negatively impact adjacent property owners.

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 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. (iii) Public Services. The modification of setbacks shall not negatively impact public services, including emergency access, access to rights-of-way, dedicated tracts, or easements.

5. The modification(s) does not create a situation where the proposed use of the property will create a hazard or nuisance.

C. The 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 Zoning Inspector and the appeal deadline (see Article 21 and Section 2103).

#### 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.

### **III. Planning and Zoning Commission Vote**

On December 14, 2011, the Planning and Zoning Commission voted unanimously to forward a recommendation of approval of the proposed Zoning Regulation amendments to the Board of Supervisors.

### **IV. Recommendation**

The proposed amendments to Article 17 would allow for more flexibility by allowing up to a 25 percent reduction of certain site development standards (increased from 20 percent).

Furthermore, the minimum site area for any lots that are in a Zoning District with a minimum site area of one acre or smaller may be reduced by up to *10 percent* (increased from five percent), and on any lots located in a Zoning District with a minimum site area of more than one acre, the site area may be reduced up to *four percent* (increased from two percent).

Staff recommends that the Board of Supervisors approve Docket R-11-06 as proposed.