

ZONING ORDINANCE 12-__

**AMENDING THE COCHISE COUNTY ZONING REGULATIONS
GOVERNING THE REVIEW OF ADMINISTRATIVE LOT
DEVELOPMENT MODIFICATION APPLICATIONS**

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, the Zoning Regulations contain a subsection entitled Lot Development Administrative Modifications, the purpose of which is to permit flexibility in how some site development standards are applied to individual lots, to reduce procedural delays, to ensure due process in the review of unique and unusual development situations, and to encourage originality, flexibility and innovation in site planning and design; and

WHEREAS, the Planning Department is proposing to amend the Lot Development Administrative Modifications to allow greater flexibility in applying certain site development standards to individual lots, which amendments are set forth on Exhibit A hereto; and

WHEREAS, the proposed amendments have been duly noticed and advertised; and

WHEREAS, after a duly noticed public hearing on December 14, 2011, the Planning and Zoning Commission unanimously recommended approval of the proposed amendments; and

WHEREAS, the Board of Supervisors held a duly noticed public hearing of these proposed amendments to the zoning regulations,

NOW, THEREFORE, BE IT RESOLVED that Sections 1715.01, 1715.02, 1715.03, 1715.04 and 1715.05 of the Cochise County Zoning Regulations shall be amended as set forth on Exhibit "A" attached hereto.

PASSED AND ADOPTED by the Board of Supervisors of Cochise County, Arizona, this 14th day of February, 2012.

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ZONING ORDINANCE 12-__

**Re: (R-11-06) Amending the Cochise County Zoning Regulations Governing the Review
of Administrative Lot Development Modification Applications**

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Richard R. Searle, Chairperson
Cochise County Board of Supervisors

ATTEST:

APPROVED AS TO FORM:

Katie A. Howard
Clerk of the Board

Britt W. Hanson
Chief Civil Deputy County Attorney

EXHIBIT "A"

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).

EXHIBIT "A" (Cont'd)

- 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

EXHIBIT "A" (Cont'd)

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.