

ZONING ORDINANCE NO. 12-__

**AMENDING THE COCHISE COUNTY ZONING REGULATIONS GOVERNING
THE REVIEW OF ACCESSORY LIVING QUARTERS**

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;

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

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;

WHEREAS, the Zoning Regulations contain a subsection entitled Accessory Living Quarters, the purpose of which is to permit attached or detached structures used either as a guesthouse or as quarters for the ill, elderly or disabled, or their caretaker.

WHEREAS, the Planning Department is proposing to amend the Accessory Living Quarters to allow greater flexibility in the maximum permitted size of Accessory Living Quarters and their use as rentals with Special Use authorization, which amendments are set forth on Exhibit A hereto;

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

WHEREAS, after a duly noticed public hearing on May 9, 2012, the Planning and Zoning Commission unanimously recommended approval of the proposed amendments;

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

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF COCHISE COUNTY, ARIZONA THAT ARTICLE 2 AND SECTION 1717 OF THE COCHISE COUNTY ZONING REGULATIONS SHALL BE AMENDED AS SET FORTH ON EXHIBIT A HERETO:

PASSED AND ADOPTED BY THE BOARD OF SUPERVISORS OF COCHISE COUNTY, ARIZONA, THIS 22nd DAY OF MAY, 2012.

RICHARD R. SEARLE
Chairman, Cochise County Board of Supervisors

ATTEST:

APPROVED AS TO FORM:

KATIE HOWARD
Clerk of the Board

BRITT HANSON
Chief Civil Deputy

EXHIBIT "A"

Article 2 - Definitions

Accessory Living Quarters – An attached or detached structure that is used either as a guesthouse or as quarters for the ill, elderly or disabled, or their caretaker. Accessory living quarters must be incidental and subordinate in size, impact and purpose to a principal dwelling. **In the absence of a special use permit issued pursuant to §1715.05**, the structure may be no more than ~~850~~**1,100** square feet in size, including exterior wall dimensions. In the absence of a special use permit issued pursuant to §1715.05, the structure shall be no more than ~~70%~~ **75%** of the size of the principal dwelling. The area calculation shall include all attached areas, except carports and patios, and enclosed attached garages.

The combined square footage of a detached accessory living quarter and the total square footage of a garage attached to the accessory living quarters shall be subordinate in size to the principal dwelling. **Detached accessory living quarters are limited to one kitchen per unit.**

Except for parcels zoned Rural and in the absence of a special use permit, the accessory living quarters shall not have a separate address or separate utility meters. **In the absence of a special use permit, the accessory living quarters** shall not be rented separately from the main residence, nor used for commercial purposes other than a home occupation, **and is not intended for sale.**

There shall be no more than one accessory living quarters per lot or parcel. Recreational vehicles, other than park models, shall not be permitted as accessory living quarters in any zoning district. Manufactured homes, rehabilitated mobile homes, mobile homes with the State Office of Manufactured Housing Rehabilitation Insignia of Approval and park models may be permitted as accessory living quarters in those Zoning Districts that allow mobile homes and manufactured homes as permitted structures.

Guesthouse – Accessory living quarters that provide temporary accommodations for guests of the principal household. A guesthouse may include a kitchen but, **except for parcels zoned Rural and in the absence of a special use permit**, cannot have separate utility meters.

Kitchen - Any room principally used, intended or designed to be used for cooking or preparation of food. ~~The presence of a range or oven or utility connections suitable for servicing a range or oven shall normally be considered a kitchen.~~

1717 - Procedures for Issuing Permits for an Accessory Living Quarter

An application shall comply with the following procedures to obtain permits for accessory living quarters:

1717.01 Applications

Applications for an accessory living quarter shall include all information required for processing a building or use permit, accompanied by the fee.

1717.02 Notification of Surrounding Property Owners

Prior to issuance of a permit for the accessory living quarter, property owners within 300 feet of the subject property shall be notified by mail and given 15 days from the date of mailing of notice to file written protest with the Zoning Inspector. Notification shall include the site plan and the procedure and requirements for submitting an appeal.

The written protest shall include the name and address of the person submitting the protest and reasons why the application should not be approved. The protested application shall **may** be presented to the Planning and Zoning Commission for a decision in the same manner as is used for a Special Use Permit application, and all further actions on this application shall proceed in the manner applicable to a Special Use permit application.

1717.03 Occupancy

The owner of the parcel shall live either in the primary dwelling or accessory living quarter as their primary residence.

1717.034 Recordation of Notice

The applicant shall sign and the Zoning Inspector shall record a notice prior to the issuance of a permit for an accessory living quarters that specifically identifies the location of the property, indicates that the subject structure is an accessory living quarter, and stated that the property owner or tenant has agreed to comply with all County Zoning Regulations applicable to accessory living quarters.

1717.045 Size Modification

Applications for accessory living quarters that exceed the permitted square footage pursuant to Article 2 definition of Accessory Living Quarters ~~but are no greater than 850 square feet,~~ may be submitted to the Planning and Zoning Commission through the Special Use process. Any such proposed accessory living quarters must be subordinate in size to an existing principal dwelling.

1717.06 Rental

Long-term rental of Accessory Living Quarters to the general public may be presented to the Planning and Zoning Commission for a decision in the same manner as is used for a Special Use Permit application, and all further actions on this application shall proceed in the manner applicable to a Special Use permit application.

1717.057 Legal Non-Conforming Lots

ALQs are a permitted accessory use on substandard legal, non-conforming lots in zoning districts that permit accessory living quarters subject to the applicable process.

1717.068 Action by the County Zoning Inspector

A permit for an accessory living quarter may be issued by the zoning inspector if no written protest is received or if the application has been approved by the Commission and/or Board of Supervisors.