



# COCHISE COUNTY

## COMMUNITY DEVELOPMENT

"Public Programs...Personal Service"

### MEMORANDUM

**TO:** Board of Supervisors  
**FROM:** Beverly Wilson, Planning Director  
**THROUGH:** Michael Ortega, County Administrator  
**SUBJECT:** Docket R-13-01 (Zoning Regulations Amendments)  
**DATE:** October 2, 2013 for the October 22, 2013 Meeting

### I. PROPOSED AMENDMENTS TO THE ZONING REGULATIONS

Docket R-13-01 is a proposed resolution with a number of amendments and revisions to the 2008 version of the Cochise County Zoning Regulations, last revised and adopted on June 20<sup>th</sup> of 2008 (*Resolution 08-31*). Section 102.A.8 of the *Cochise County Comprehensive Plan* requires periodic review and updates to the Zoning Regulations to "reduce complexity, contradictions, and unnecessary regulations." The overall intent of these proposed revisions is exactly that in an effort to allow for easier understanding and interpretation of the Zoning Regulations by the public and staff. In addition, staff's intent is to incorporate more flexibility in the administration of the regulations, and to bring the regulations into conformance with revisions in the Arizona Revised Statutes ("ARS"). A summary listing of the changes as well as the complete draft document (with additions and deletions shown) is also included for consideration.

### II. BACKGROUND AND PROPOSED CHANGES

The purpose of this memorandum is to highlight the most significant proposed changes to the Zoning Regulations. This Draft is the result of a line-by-line examination of the Regulations by staff over the past three years, and is not intended to be a complete rewrite of the existing Regulations. Also included in this proposed update are the interpretations that have been used by Staff for those circumstances where confusing language exists, or for "gray area" issues not addressed in the current Regulations. In addition, several new definitions are proposed, and in many cases, simply a word or two have been inserted into existing language. Following is a brief review of each Article and the changes being proposed by staff:

#### Article 2 (Definitions):

Due to past and potential changes in the numbering of Sections within the Zoning Regulations, as well as Arizona Revised Statutes, references to specific Sections of both have been replaced with more general references to the Article in which the Section is located. You will find the exception when the Section is within the same Article in which the Section reference appears. The intent here is to minimize confusion for staff and especially the public.

#### New Definitions:

**Alley:** This definition was added as it is referenced in the body of the Regulations.

**Community Gardens and Farmers Markets:** These are two new definitions added as categories of land use in a number of Zoning Districts. *Community Gardens* are added as permitted principal uses in Articles 6 through 13 (residential, neighborhood and general business zones.) *Farmers Markets* are added as principal permitted uses in Articles 6 (Rural Zoning District), 11 (Neighborhood Business Zoning District), 12 (General Business District), and 13 (Light Industrial Zoning District), and as Special Uses in the more densely populated zoning districts including Articles 8 (Single-household/Manufactured Home Residential Zoning District), 9 (Single-household Residential Zoning District) and 10 (Multiple-household Residential Zoning District).

**Lot Development Administrative Modification:** This definition was added as it is referenced in the body of the Regulations.

**Recycling Drop-Off Receptacle and Recycling/Solid Waste Transfer Station:** Definitions added to clarify that recycling drop-off receptacles are incidental and not the same land use as a recycling Transfer Facility, proper. The Recycling/Solid Waste Transfer Station definition provides further clarity.

**Regional Sewage Treatment Plant:** This definition was added as it is referenced in the body of the Regulations. Also needed was clarification as to the difference between *regional* versus those which are limited in scope and serve primarily on-site uses (such as on-site or HOA-operated “package” plants within a subdivision).

**Repair Services (Large Engine):** Because a truck repair or other large equipment or vehicle repair operation would usually be larger in scale and generate greater potential impact than other repair services such as the existing category already defined in Article 2, this definition was added. Note that “automotive” has been removed from the definition of “Repair Services Automotive and Small Engine” with the number of axles now being the distinction between one type and another: “repair services for vehicles with two or fewer axles are classified as small engine repair, while more than two axles would be considered large engine repair.”

**Retaining Wall:** Definition was needed to include the fact that setbacks do not apply to such structures.

**Right-of-Way or Utility Easement:** This definition was added as it is referenced in the body of the Regulations.

**Substandard Lot:** Definition added to explain that Lot Modifications, Variances or Rezoning are the remedies for substandard lots if not already deemed legal nonconforming.

**Wholesaling, Warehousing, Distribution, or Storage:** This definition was added as it is referenced in the body of the Regulations.

**Modified Definitions:**

**Accessory Living Quarters:** The term “*detached bedrooms*” was added as part of definition for added clarity.

**Airports:** Definition now includes helipads and heliports.

**Building Permit:** Definition clarified that permits are required for Permitted and Special Uses.

**Wireless Communication Equipment** has been renamed to “*Communication Equipment*,” to reflect industry standards. The definition was also simplified.

**Contract Construction Services:** Includes indoor as well as outdoor storage of vehicles and equipment.

**Dwelling:** Definition simplified. This definition previously addressed various types of dwellings including manufactured homes and rehabilitated mobile homes.

**Dwelling unit, multiple household:** Definition simplified.

**Dwelling unit, single household:** Definition simplified and exclusion of RVs made explicit.

**Easement:** Added language allowing for permits to be issued within private easements on the condition that “*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.*”

**Factory Built Building:** Edited for clarity, and to explain that such structures are also called “*Modular Buildings.*”

**Fence:** Definition modified to indicate that retaining walls are not fences.

**Grocery Stores:** Definition edited to include accessory uses such as restaurants, banks, postal services, etc. that may occupy the same floor space as the grocery store, proper.

**Group Quarters:** Edited to exclude various uses such as halfway houses, offender rehabilitation, and residential care uses.

**Height, Building:** Removed references to average height on pitched roofs and deck lines on mansard roofs; height is now measured from grade to the tallest point of the roof.

Definitions for **Impacts**, **Intensity**, and **Monuments** were removed.

**Landscaping:** Definition modified/clarified.

**Manufactured Home:** Excluded rehabilitated mobile homes, factory built buildings and RVs.

**Master Development Plan:** Definition replaced with cross-reference to Article 4.

**Mini-Warehouses:** Definition now includes outdoor storage areas (such as for boats and RVs).

**Mobile Home:** Definition now specifically excludes RVs and manufactured homes.

**Mobile Home (Rehabilitated):** No longer refers to the ICC building code compliance, but to County certification.

**Manufactured Home Park:** Definition now includes factory built buildings, and clarifies that the land use is determined without regard to whether or not the units are offered for rent.

**Out-Building:** Definition now specifies that items stored are to be used on the property, or for animals, but do not include RVs which are allowed as accessory uses.

**Personal and Professional Services:** No longer includes dental or health services, as these are more properly defined under Health Clinics.

**Planned Development:** Definition replaced with cross-reference to Article 4.

**Recreational Facilities:** Modified to exclude residential lighted accessory roping arenas.

**Recreational Vehicle:** Language referring to travel trailers simplified.

**Recreational Vehicle Parks:** No longer includes tents (which are considered Guest Lodging, a separate category of land use).

**Repair Services, Automotive, and Small Engine:** The word “automotive” is removed, while the definition is further defined by number of axles.

**Residential Care Homes and Institutions:** Definitions now exclude domestic violence shelters which are covered under ‘*Welfare and Charitable Services*’. Residential Care Homes may now house up to 10-persons (previous limit was six), with a maximum occupancy of 14-persons (counting staff). Classification as a Residential Care Institution is triggered by 10-or more residents. These limitations mirror current State rules.

**Retail Sales and Rentals:** This definition was amended to add language limiting the floor area used for manufacturing, processing, assembling, treatment, installation, and repair of products. The current language is unclear and has caused questions from staff and the public.

### **Modified Language in Articles:**

**Article 3 General Provisions:** Article 3 was not edited.

**Article 4 (Plan Area Designations and Master Development Plans):** Language was added to the Category B Growth Area designation criteria to further define the transition between urban growth and rural areas as:

“It may serve as a commercial center or “townsite” for a rural community.” The other changes to this Article consist of added definitions and requirements of Master Development Plans as follows:

- 406.01: The definition of a Master Development Plan now includes a requirement to plan for water adequacy, flood control, all modes of transportation, parks, and utility installations; and
- 406.06.B.10: Currently requires provisions for water conservation measures; new additions include water harvesting systems, low-flow fixtures, and deed restrictions governing turf and irrigation.

**Article 5 (Zoning Districts, Maps, and Boundaries):** Changes to this Article were editorial or used to clarify or correct existing language.

**Article 6 (RU, Rural Zoning Districts):** Changes include the following:

- Principal Permitted grocery stores no longer include accessory gasoline sales, but maximum floor area has been increased from 2,000 to 2,500-square feet; grocery stores beyond these thresholds require a Special Use.
- Principal Permitted Wireless Communication Towers are now limited to 30-feet in height.
- Farmers Markets and Community Gardens are added as new Permitted Uses.
- Outdoor screening and RV’s as permitted accessory uses are modified to be consistent throughout.
- Similarly, the language regarding Special Use Authorizations has been modified to be consistent throughout.

**Article 7 (Residential Zoning Districts):** Changes include the following:

- Section 701.03: A purpose statement referring to “*the transition from urban to rural*” has been removed.
- Community Gardens were added as a Permitted Use.
- Section 706.03: Fences six-feet in height or less were added as Permitted Uses.
- Farmers Markets were added as a Special Use.

**Article 8 (SM, Single-household/manufactured home residential zoning districts):** Changes to this Article were editorial or used to clarify language as well as the following:

- Community Gardens were added as a Permitted Use.
- Farmers Markets and Commercial Plant Nurseries were added as Special Uses.

**Article 9 (SR, Single-Household Residential Zoning Districts):** The following changes were made:

- A reference to parcels zoned PR-40 (a long defunct Zoning district) has been added.
- Community Gardens were added as Permitted Uses.

**Article 10 (MR, Multiple-Housing Zoning Districts):** The following changes were made:

- Daycare Facilities were removed as a Permitted Use, and added as a Special Use to match other residential districts.
- Community Gardens were added as Permitted Uses.
- Farmers Markets were added as a Special Use.

**Article 11 (NB, Neighborhood Business Zoning District):** Changes include the following:

- Farmers Markets and Community Gardens were added as permitted uses.
- Commercial Plant Nurseries were added as a Special use.

**Article 12 (GB, General Business):** Changes include the following:

- Ambulatory Services were added to Hospitals, as Permitted Uses.
- Farmers Markets and Community Gardens were added as permitted uses
- Wind Energy Power Plants were added as a Special Use.
- Setbacks for Special Uses on GB Parcels abutting GB, LI, or HI are now 10-feet; setback is still 80-feet when abutting other Districts.
- Standard Accessory RV language used in other Articles is now included.
- Billboards were removed as Special Uses; they are now addressed in Article 19 Signs.

**Article 13 (LI, Light Industry Zoning District):** Farmers Markets and Community Gardens were added as permitted uses.

**Article 14 (HI, Heavy Industrial Zoning District):** Changes include the following:

- Added commercial plant nurseries and cemeteries as a permitted principal use.
- Added Medical Marijuana dispensary, dispensary/cultivation, and infusion facility land uses as Special Uses.

**Article 15 (PD, Planned Development Districts):** Changes to this Article were editorial or used to clarify language.

**Article 17 (Administration):** Changes to sections include the following:

- 1704: Modified to allow re-establishment of a discontinued residential use without the need for a new permit if the use was permitted previously.
- 1712: Clarifies time extensions for manufactured or rehabilitated mobile permits.
- 1713: Includes reference to Home Occupations.
- 1714: Included language regarding fee waivers that must be approved by the Board of Supervisors and language pertaining to surcharges, allowing assessment for placing mobile or manufactured homes without a permit.

- 1716.02: Adds the Comprehensive Plan and area plans as applicable for review of a Special Use.
- 1720: Temporary Use Permit administration and procedures have been moved from Article 18 to Article 17.

**Article 18 (Site Development Standards):** Changes include the following:

- 1804.05: Added one-half of a parking space as required for multiple-household dwellings (up from 1.5).
- 1804.07: Allows Zoning Inspector to approve driveway and parking surface requirements.
- 1804.08: Relieves permitting requirements for unoccupied structures in display areas.
- 1805.03.D: Allows screening to begin at 6-inches above grade when screening in floodplain.
- 1812:15: Deleted restriction on Recreational Vehicles in Manufactured or Mobile Home Parks.
- 1813: Removed Security fence and parking requirements for wireless towers.
- 1815: Clarified that perimeter fences are not considered corrals unless used within 50-feet of the property line and added provisions for roping arenas as accessory to a principal permitted use.
- Section 1817: Temporary Use moved to Section 17.
- Section 1822: Wind Energy Systems and Wind Energy Power Plants were formatted in the same manner as the Solar Energy Systems (Section 1823).
- Section 1825: Medical Marijuana uses now allowed by Special Use in Heavy Industry District.

**Article 19 (Sign Code):**

- Reorganized this entire Article to clarify and simplify.
- Per Arizona Revised Statutes, all regulations or restrictions on sign copy have been removed.
- Removed definition of and references to accessory signs; definition has never been utilized.
- Removed Identification Sign classification; all such signs would now be classified under the existing category of “On-site Permanent Sign.”

**Article 20 (Exemptions, Exceptions, and Nonconformances):**

- Section 2003.01: Added provisions to maintain legal nonconforming status for those lots combined after 1975, when such combinations reduce but which do not eliminate the non-conformance.
- Section 2003.04: Non-conforming business may expand with a permit as long as it can meet current development standards; apartments, mobile home, and RV parks may not expand without losing legal nonconforming status.

- Section 2003.06: Permits may now be issued for re-roofing and building code repairs for legal nonconforming lots or parcels.

**Article 21 (Boards of Adjustment):**

- Changes to this Article were editorial or used to clarify language.

**Article 22 (Amendments):**

- Changes to this Article were editorial or used to clarify language.

**III. SUMMARY**

The Cochise County Zoning Regulations were last revised and adopted on June 20th of 2008 (Resolution 08-31). The Cochise County Comprehensive Plan requires periodic review and updates to the Zoning Regulations to “reduce complexity, contradictions, and unnecessary regulations.” Staff is requesting that the Board consider approving the changes as presented.

**ATTACHMENTS**

- A. Proposed Zoning Regulations (showing changes)
- B. Letter of Support