

ZONING ORDINANCE 20-10

AMENDING ARTICLE 17 (ADMINISTRATION) AND ARTICLE 22 (AMENDMENTS) OF THE COCHISE COUNTY ZONING REGULATIONS

WHEREAS, Arizona Revised Statutes ("A.R.S.") § 11-811, et seq. gives the Cochise County Board of Supervisors (the "Board") the authority to adopt zoning regulations to address land use; and

WHEREAS, the Board originally adopted Zoning Regulations in Cochise County, pursuant to that authority in 1975, and has with periodic modification, maintained them in effect since that time; and

WHEREAS, the Board recognizes that amendments to the Zoning Regulations can affect countywide land use patterns and therefore, warrants careful consideration of regional impacts; and

WHEREAS, Article 17 of the Zoning Regulations contains all regulations relevant to the administration of special use and temporary use permits, including notification of those affected by a proposed amendment within the procedures of issuance; and

WHEREAS, Article 22 of the Zoning Regulations contains all regulations relevant to the administration of the citizen review process and Planning Commission action, including notification of those affected by a proposed amendment within the application process; and

WHEREAS, Article 22 of the Zoning Regulations contains all regulations relevant to the filing of a protest to a Board of Supervisor action; and

WHEREAS, the Board recognizes the general purpose of this amendment is to amend the procedural requirements for mailed notification of residents directly affected by various applications to the Planning and Zoning Commission and the Board of Supervisors as well as to delete obsolete protest provisions regarding Board of Supervisor actions; and

WHEREAS, the Board recognizes the more specific purpose of this ordinance is to replace the current mailed noticed requirements special uses, rezoning, citizen review, temporary use – events of public interest and wind turbines greater than 45’ with simplified requirements, as indicated in Exhibit “A”; and

WHEREAS, on May 13, 2020, the Planning and Zoning Commission held a duly noticed public hearing of these proposed amendments to the Zoning Regulations, hereby known as Docket R-20-03 (Mailed Notification Radius); and

WHEREAS, on June 9, 2020, the Board of Supervisors held a duly noticed public hearing of the proposed amendments to the Zoning Regulation, Docket R-20-03 (Mailed Notification Radius), attached hereto as “Exhibit A” that will amend Article 17 and Article 22 of the Cochise County Zoning Regulations and found them to be in the public interest.

NOW, THEREFORE, BE IT RESOLVED THAT by the Board of Supervisors of Cochise County, Arizona that the Cochise County Zoning Regulations shall be amended as contained in “Exhibit A,” attached hereto.

PASSED AND ADOPTED by the Cochise County Board of Supervisors this 9th day of June 2020.



Thomas E. Borer, Chairman
Cochise County Board of Supervisors

ATTEST:

APPROVED AS TO FORM:



Kim Lemons, CPCC
Clerk of the Board



Christine J. Roberts, Esq.
Chief Civil Deputy County Attorney

5/18/2020

EXHIBIT A

1716.03 Procedures for Issuance of a Special Use Authorization

D. Upon receipt of the completed application, the County Zoning Inspector shall submit it to the Planning Commission for consideration and action. Prior to taking action on approving or denying the Special Use Authorization request, the Planning Commission shall:

1. Hold at least one public hearing thereon after at least 15-calendar days notice by one publication in a newspaper of general circulation in the County seat and by posting the area included in the proposed Special Use Authorization request(s).
2. Send notice by first class mail to each owner of real property within a radius of no less than 300 feet of the subject parcel(s), as shown on the most recent available records of the last property tax assessment. Where there are potential compatibility concerns, the County Zoning Inspector may expand the mailed notification area to greater than a 300-foot radius at time of application acceptance. as follows:

| Growth Area | Distance |
|---|---|
| Area A | 300-feet |
| Area B | 1,000-feet |
| Area C | 1,000-feet |
| Area D/Intensive Use* | Minimum 1-mile, maximum 3-miles A minimum of 50 parcels shall be notified, up to a maximum 3-mile distance |
| *Airport, airstrip, firearms range, manufacturing, or storage of hazardous materials as a principal use, feedlot, or electric generation plant. | |

1720.03 Particular Temporary Uses Permitted

Upon obtaining a temporary use permit, the following temporary uses shall be permitted, subject to the following standards and/or other standards imposed by the County Zoning Inspector to mitigate off-site impacts:

F. Events of Public Interest

1. Permitted in all districts.
2. Including, but not limited to, outdoor art and crafts shows and exhibits; farmers markets; outdoor concerts; outdoor revivals; rallies; and outdoor charity events.
3. Maximum length of a temporary use permit on a specific parcel that is not occupied by a community park, community center, or school shall be seven-consecutive days, plus an additional four-calendar days for set-up and dismantling, within any three-month period.
4. No structure, equipment, or display shall be located within 300-feet of an existing residence on an adjacent property, unless written permission is granted by the adjacent property owner.
5. Longer events of public interest up to six-consecutive weeks within a six-month period may be allowed, subject to approval by the Board of Supervisors. Upon receipt of a

completed application, the County Zoning Inspector shall submit it to the Board of Supervisors for consideration and action. Prior to taking action on approving or denying the temporary use permit, the Board shall:

6. Hold one public hearing thereon after at least 15-calendar days notice by one publication in a newspaper of general circulation in the County seat and by posting the area included in the proposed temporary use(s).
7. Send notice by first class mail to each owner of real property, as shown on the most recent available records of the last property tax assessment, located within 300-feet of the proposed area of the proposed temporary use(s), ~~if within Growth Categories A, B, or C, or within 1500 feet, if within a Category D area,~~ and to each County and municipality which is contiguous to the area of the proposed temporary use(s). The County Zoning Inspector may expand the mailed notification area to greater than a 300-foot radius at time of application acceptance if there are compatibility concerns associated with the request.

2203 Citizen Review Process

1. At a minimum, the Applicant shall notify and, if requested, meet with homeowners' or community associations nearest the subject parcel and all adjacent and potentially impacted property owners. These property owners shall be defined to include:
 - a. All of those who own property located within the area subject to the application.
 - b. Notice to real property owners, as shown on the most recent available records of the last property tax assessment, ~~as follows: within a radius of no less than 300 feet of the subject parcel(s), as shown on the most recent available records of the last property tax assessment.~~ The County Zoning Inspector may expand the mailed notification area to greater than a 300-foot radius at time of application acceptance if there are compatibility concerns associated with the request.

| Growth Area | Distance |
|---|---|
| Area A | 300-feet |
| Area B | 1,000-feet |
| Area C | 1,000-feet |
| Area D/ Intensive Use* | Minimum 1-mile, maximum 3 miles A minimum of 50 parcels shall be notified, up to a maximum 3-mile distance |
| *Airport, airstrip, firearms range, manufacturing, or storage of hazardous materials as a principal use, feedlot, or electric generation plant. | |

2206 Planning Commission Action

Upon receipt of the application, the Planning Director shall submit it to the Planning Commission for consideration. Prior to reporting to the Board, the Planning Commission shall:

2206.01 Hold at least one public hearing thereon after at least 15-calendar days notice by one publication in a newspaper of general circulation in the County seat and by posting the area included in the proposed change. The posting shall be in no less than two places with at least one notice for

each quarter mile of frontage along perimeter public rights-of-way so that the notices were visible from the nearest right-of-way.

2206.02 The Planning Commission shall also send notice by first class mail to each real property owner, as shown on the most recent available records of the last property tax assessment, ~~as follows: within a radius of no less than 300 feet of the subject parcel(s), as shown on the most recent available records of the last property tax assessment.~~ The County Zoning Inspector may expand the mailed notification area to greater than a 300-foot radius at time of application acceptance if there are compatibility concerns associated with the request.

| Growth Area | Distance |
|---|---|
| Area A | 300 feet |
| Area B | 1,000 feet |
| Area C | 1,000 feet |
| Area D/ Intensive Use* | Minimum 1-mile, maximum 3-miles A minimum of 50 parcels shall be notified, up to a maximum 3-mile distance |
| *Airport, airstrip, firearms range, manufacturing, or storage of hazardous materials as a principal use, feedlot, or electric generation plant. | |

2207 Board of Supervisors Action

2207.01 Upon receipt of the Planning Commission's recommendation the Board shall hold a public hearing at least 15-calendar days notice of which shall be given by one publication in a newspaper of general circulation in the County seat and by posting the area included in the proposed change. After holding the hearing, the Board may adopt the amendment, ~~but if 20 percent of the owners of property by area and number within the zoning area file a protest to the proposed change, the change shall not be made except by a three-fourths vote of all members of the Board. If any members of the Board are unable to vote on the question because of a conflict of interest, the required number of votes for the passage of the question is three-fourths of the remaining membership of the Board, except that the required number of votes in no event shall be less than a majority of the full membership of the Board. In calculating the owners by area, only that portion of a lot or parcel of record situated within 300 feet of the property to be rezoned shall be included. In calculating the owners by number or area, County property and public rights-of-way shall not be included by a majority vote of the board.~~

2207.02 The Planning Commission may on its own motion propose an amendment to the Zoning Regulations and may, after holding a public hearing as required by this Article, transmit the proposal to the Board which shall thereupon proceed as set forth in this Article for any amendment.

2207.03 Notwithstanding the provision of Arizona Revised Statutes, a decision by the Board involving Rezoning of land which is not owned by the County and which changes the zoning classification of such land or which changes the zoning standards of such land as set forth in subsection 2206.05 may not be enacted as an emergency measure and such a change shall not be effective for at least 30-calendar days after final approval of the change in classification by the Board. Unless a resident files a written objection with the Board of Supervisors, the Rezoning may be enacted as an emergency measure that becomes effective immediately by a two-thirds majority vote of the Board.

2207.04 ~~For the purposes of this Article, "Zoning Area" means the area within 300 feet of the proposed amendment or change.~~