

ZONING ORDINANCE 12-10

AMENDING THE COCHISE COUNTY ZONING REGULATIONS PERTAINING TO AGRICULTURE DEFINITIONS, USES, AND ESTABLISHING SITE DEVELOPMENT STANDARDS FOR THOSE USES

WHEREAS, Chapter 6, 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, the Cochise County Board of Supervisors 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 Cochise County Board of Supervisors recognizes that amendments to the Zoning Regulations affect countywide land use patterns and therefore warrant careful consideration of regional impacts; and

WHEREAS, Article 2 of the Zoning Regulations currently defines agricultural uses; and

WHEREAS, on July 11, 2012, the Planning and Zoning Commission held a duly-noticed public hearing on the proposed amendments to the Zoning Regulations, hereby known as Docket R-12-02, and attached hereto as "Exhibit A," which redefine agricultural uses, add and amend certain definitions, and define site standards for those uses; and

WHEREAS, on August 14, 2012, the Board of Supervisors held a duly-noticed hearing on the amendments and found them to be in the public interest,

NOW, THEREFORE, IT IS HEREBY RESOLVED that the Cochise County Zoning Regulations be amended to redefine agricultural uses, add and

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**Re: (R-12-02) Amending the Cochise County Zoning Regulations
Pertaining to Agriculture Definitions, Uses, and Establishing Site
Development Standards for Those Uses**

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amend certain definitions, and define site standards for those uses as provided in "Exhibit A," attached hereto.

PASSED AND ADOPTED by the Board of Supervisors of Cochise County, Arizona, this 20 day of August, 2012.



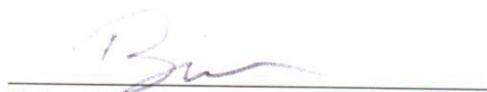
Richard R. Searle, Chairperson
Cochise County Board of Supervisors

ATTEST:



Katie A. Howard
Clerk of the Board

APPROVED AS TO FORM:



Britt W. Hanson, Chief Civil
Deputy County Attorney

ATTACHMENT "A"

Article 2 (Definitions):

Agriculture, General - A tract containing a minimum of 5 contiguous commercial acres which is being used for the production of farm, garden, or orchard crops, or the grazing or raising of farm animals, including feeding pens that are incidental and subordinate to a grazing operation. Examples of commodities produced include vegetables, fruit trees, grapes, cotton, grain, poultry, horses, cattle, sheep and swine. The term "general agriculture" includes such uses as the necessary treatment, packing or storage of farm products produced on premises, the sale of any farm crops or livestock raised on premises, and any signs, structures, or fences utilized for agricultural functions. By statute "general agriculture" includes dairy operations, including areas designated for raising heifers and bulls owned by the same dairy operation that is on property contiguous to the dairy operation or within one-quarter of a mile. It does not include signs advertising off-premise facilities, junkyards, other retail sales, manufacturing, any non-agricultural services, stockyards, slaughterhouse/s meat packing plants, commercial pen feeding, production wineries, bone yards, plants for the reduction of animal matter, poultry feeding operations, or agricultural processing plants.

Agricultural Processing Services – Those services which alter the condition of and add value to a marketable, agricultural commodity through a processing activity. Agricultural processing services do not include slaughterhouses/meat packing plants, commercial feedlots, bone yards, or facilities for the reduction of animal matter.

Onsite Agricultural Processing Services – An agricultural processing service located in Growth Category D where at least 70% or more of the crop input for the facility is grown on site.

Delete the following:

Meat Cutting and Butchering –A service consisting of the cutting up of meat for sale, but not the killing or slaughtering of live animals, a slaughterhouse or meatpacking plant.

Replace with the following:

Custom Butchering/Meat Curing/Processing – The cutting up, curing, and processing of meat, to include on-site butchering, operating under the Arizona Department of Agricultural slaughter license for more than 45 head and not to exceed 150 head of cattle and more than 45 head and not to exceed 160 head of sheep, goats, or swine in one calendar year.

Feedlot Commercial – A feeding operation on a parcel of land where livestock are maintained in a corral, pen, or other area on a sustained basis, where feed is brought on the parcel, and where the concentration of animals is regulated by the ADEQ Concentrated Animal Feeding Operations per A.A.C. R-18-9-A901. It is operated for the primary purpose of feeding and fattening animals for direct or eventual shipment to market or

ATTACHMENT "A" (Continued)

slaughter. Pastures used for the grazing of livestock and feeding pens for livestock are not considered commercial feedlots.

Restaurants, Bars, Taverns, Nightclubs and Off-site Winery Tasting Rooms – An establishment which prepares and serves food and/or beverages on a commercial basis and may include entertainment.

Slaughterhouse/Meat Packing Plant – A facility for the slaughtering, refining, processing, storage and distribution of animals and animal byproducts.

Winery, Farm – An on-site agricultural processing service in which grapes grown on-site are processed into wine, not to exceed 40,000 gallons per year.

Winery, Small Production – An agricultural processing service in which grapes grown off-site are processed into wine, not to exceed 40,000 gallons per year.

Winery, Large Production – An agricultural processing service in which grapes grown on-site or off-site are processed into wine, in quantities greater than 40,000 gallons per year.

Winery Tasting Room – A building or portion thereof, subordinate in size and accessory to a Farm vineyard, Farm Winery, Small Production Winery or Large Production Winery operation, in which wine may be sampled for purchase. A Winery Tasting Room may also include incidental retail sales of wine and related products.

Article 6 (RU, Rural Zoning District): Add to Permitted Principal Uses:

603.17 On-site agricultural processing with 200-foot minimum setback (subject to Section 1704.01a)

603.18 Custom butchering/meat curing/processing with a 100-foot minimum setback.

603.19 Ag-Processing with a 300-foot minimum setback.

Add to Permitted Accessory Uses:

605 Permitted Accessory Uses

Accessory uses are permitted in RU zoning districts provided they are customarily incidental to an established permitted principal use. Accessory structures may exceed the size of the principal structure, unless otherwise stated, provided that all other site development standards are met. Winery Tasting Rooms are permitted accessory uses to a Farm vineyard, Farm Winery, Small Production Winery or Large Production Winery. For residential uses, the following additional accessory uses and buildings shall be permitted:

Delete from Special Uses:

ATTACHMENT "A" (Continued)

607.20 Meat Cutting or butchering operations.

Add to Special Uses:

607.20 Custom butchering/meat curing/processing with less than a 100-foot minimum setback.

607.55 On-Site agricultural processing with less than a 200-foot minimum setback.

607.57 Ag-Processing with less than a 300-foot minimum setback.

ARTICLE 12 – GENERAL BUSINESS DISTRICT: Delete from Permitted Principal Uses:

1202.34 Meat-cutting and Butchering shops.

Add to Permitted Principal Uses:

1202.34 Custom Butchering/meat curing/processing.

ARTICLE 13 – LIGHT INDUSTRY DISTRICT

Delete from Permitted Principal Uses:

1302.23 Meat cutting and butchering shops.

Add to Permitted Principal Uses:

1302.23 Custom butchering/meat curing/processing.

1302.40 On-site Agricultural processing (subject to Section 1704.01a).

1302.41 Ag-Processing with a 300-foot minimum setback.

1302.42 Slaughterhouse/meat packing plants with a 300-foot minimum setback.

Add to Special Uses:

1305.18 Commercial feedlots.

1305.19 Ag-processing with less than a 300-foot minimum setback.

1302.42 Slaughterhouse/meat packing plants with less than a 300-foot minimum setback.

ARTICLE 14 – HEAVY INDUSTRY DISTRICT

ATTACHMENT "A" (Continued)

Remove from Permitted Principal Uses:

1402.11 Meat cutting and butchering shops.

Add to Permitted Principal Uses:

1402.11 Custom butchering/meat curing/processing.

1402.29 On Site Agricultural Processing (subject to Section 1704.01a).

1402.30 Commercial feedlots with a 300-foot minimum setback.

1402.31 Slaughterhouse/meat packing plants with a 300-foot minimum setback.

1402.32 Ag-Processing with a 300-foot minimum setback.

Add to Special Uses:

1405.13 Commercial Feedlots with less than a 300-foot minimum setback.

1405.09 Slaughterhouse/Meat Packing Plants/Meat Packing Plants with less than a 300-foot minimum setback.

1405.10 Ag-Processing with less than a 300-foot minimum setback.

ARTICLE 17 -- Administration

1704 Building/Use Permit Required

1704.01 It shall be unlawful to erect, construct, reconstruct, alter or use any structure or building without first obtaining a building/use permit from the County Zoning Inspector; except that no building/use permit shall be required for any repairs or improvements of a value not exceeding 1000 dollars (market value labor and materials or actual receipts for cost of materials can be provided) except that those items listed* in this section below are completely exempted from permit requirements for single family residential dwellings only. For non-residential uses a permit is required regardless of the dollar value of the improvement when there are applicable building code requirements. For the purpose of determining the value of any such repair, alterations, or improvements, the normal retail value of materials and labor performed shall be used. Even though no permit is required for repairs or improvements having a certain value or listed below, such repairs, improvements, or alterations shall comply with all other provisions of these Zoning Regulations. A developer shall not circumvent the permit requirements of this section by making improvements, repairs or alterations

ATTACHMENT "A" (Continued)

which constitute a complete unit through piecemeal or phased construction with the intent to avoid these permit requirements.

- a) Exception. Notwithstanding anything else in these Zoning Regulations to the contrary, no use or building permit shall be required for any use that meets the definition of Onsite Agricultural Processing Service.

ARTICLE 18 – SITE DEVELOPMENT STANDARDS

1804.05 Schedule of Required Off-Street Parking

Use

COMMERCIAL/OFFICE

Restaurants, Bars, Taverns, Nightclubs, Winery Tasting Rooms