

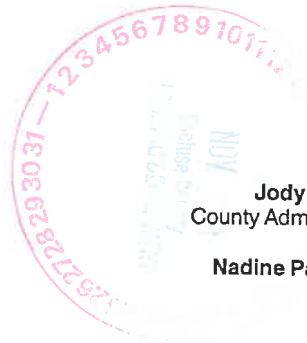
Board of Supervisors



Leslie E. Thompson
Chairman,
District 3

Tony J. Saracino
District 1

Mike Palmer
District 2



Jody N. Klein
County Administrator

Nadine Parkhurst
Clerk

ORDINANCE NO. 029-98 (Docket R-98-02)

AN ORDINANCE OF THE COCHISE COUNTY BOARD OF SUPERVISORS AMENDING THE COCHISE COUNTY ZONING REGULATIONS BY AMENDING ARTICLE 11, SECTION 1102.01, TO ALLOW MOBILE HOMES AND MANUFACTURED HOMES IN THE NEIGHBORHOOD BUSINESS ZONING DISTRICT.

SECTION 1. BACKGROUND AND PURPOSE

1. Section 806.01 of Title 11 of the Arizona Revised Statutes gives the County Board of Supervisors the authority to adopt a Comprehensive Plan and Zoning Regulations to address land use.
2. Per these Statutes, if a Comprehensive Plan is adopted, the Zoning Regulations must be in conformance with the Plan.
3. The County Board of Supervisors adopted a County Comprehensive Plan in 1984 and adopted revisions in 1996. The Comprehensive Plan adopted plan designations that determine the parameters for land use delineated throughout the County. Within each designation, zoning districts must be harmonious with the land use character of the designation.
4. Cochise County has adopted Zoning Regulations as permitted by law.
5. The 1996 revision to the Comprehensive Plan directs Cochise County to reduce contradictions and unnecessary regulations.
6. This ordinance reduces contradictions and deletes an unnecessary regulation by permitting mobile and manufactured homes in the Neighborhood Business Zoning District as permitted in other districts also permitted in the Neighborhood Conservation and Developing Comprehensive Plan Designations.

SECTION 2. AMENDMENT TO THE COCHISE COUNTY ZONING REGULATIONS ARTICLE 11

The Cochise County Zoning Regulations are amended as follows:

1102.01 ~~As shown below*~~ All single household dwellings, other than mobile homes, manufactured homes, and recreational vehicles; and all multiple-household dwellings, provided that if the site or development contains over ten (10) units, it shall access onto an improved public street connecting onto the County public roadway system...

PASSED AND ADOPTED THIS 2 DAY OF Nov, 1998

Les E Thompson

Les Thompson, Chairman
Cochise County Board of Supervisors

ATTEST:
Nadine Parkhurst

Nadine Parkhurst
Clerk of the Board

APPROVED AS TO FORM:
Cham

Deputy County Attorney



FEE # 981133466
OFFICIAL RECORDS
COCHISE COUNTY
DATE 11/05/98 HOUR 12

REQUEST OF
COCHISE COUNTY BOARD OF SUPV
CHRISTINE RHODES-RECORDER
FEE : PAGES : 2

981133466

**AGENDA ITEM
FOR BOARD OF SUPERVISORS MEETING**

FROM: Planning Department

DATE: 9/30/98

FOR BOARD MEETING OF: 11/2/98

REGULAR AGENDA (10:30 A.M.- public hearing)

CONSENT AGENDA

WORDING OF AGENDA ITEM: DOCKET R-98-02: An Application To Amend The Cochise County Zoning Regulations to allow mobile homes and manufactured homes in Neighborhood Business Zoning Districts (Section 1102.01).

SUGGESTED MOTION: I move that ordinance 98-_____ related to docket R-98-02 be adopted.

COMMENTS/INSTRUCTIONS: Public Hearing at 10:30 AM.

Note: Original of Ordinance sent to County Attorney with instructions to return to Planning.

ATTACHMENTS (List all documents required to support/explain item)
Board Memorandum, Commission Memorandum & Attachments-Proposed Ordinance

SIGNATURE REQUIRED: Chairman Clerk Attorney Other:

(Check those applicable)

(FOR BOARD USE ONLY)

ACTION TAKEN AT MEETING OF: Approved Disapproved
Tabled Removed

ACTION/MOTION (If different from above) OR REASON FOR DISAPPROVAL/
TABLING

COMMENTS:

DOCUMENT RETURNED BY BOARD:

DATE:




COCHISE COUNTY PLANNING DEPARTMENT

1415 W. MELODY LANE, BISBEE, ARIZONA 85603-3090

(520) 432-9450 / 9451
FAX 432-9429

MEMORANDUM

To: Board of Supervisors

From: James E. Vlahovich, Planning Director 

Subject: R-98-02

Date: October 15, 1998

Nature of the Docket

Docket R-98-02 is an application to amend the Zoning Regulations to allow mobile and manufactured homes to be established in a Neighborhood Business Zoning District. The specifics of the request are contained within the attached staff memo to the Planning Commission dated 9/29/98.

Commission Action

On Wednesday, October 14, 1998, the Planning Commission voted unanimously (7 to 0) to recommend approval of the applicant's request to amend the Zoning Regulations as described to the Board of Supervisors. No one spoke in either support of or in opposition to the request at the Commission meeting.

Attachments



COCHISE COUNTY PLANNING DEPARTMENT

1415 W. MELODY LANE, BISBEE, ARIZONA 85803-3090

(520) 432-9450 / 9451
FAX 432-9429

September 28, 1998

Raymond J. Calderon SR.
P.O. Box 2362
Sierra Vista, AZ 85636

RE: Docket R-98-02

Dear Mr. Calderon:

The Cochise County Planning and Zoning Commission will consider your application at its next meeting to be held on Wednesday, October 14, 1998 at or after 5:00 PM at 1415 W. Melody Lane, Building B, in Bisbee, Arizona.

If the Commission makes a recommendation to the Board of Supervisors on your docket, it will then be heard before the Board of Supervisors at or after 10:30 AM on Monday, November 2, 1998 at the same location as the Planning Commission meeting.

It is very strongly recommended that either you or your representative be present at these public hearings to answer any questions the Commission or Board members may have.

If you should have any questions pertaining to this matter, please do not hesitate to contact this department at 432-9450.

Sincerely,



Judy Anderson, Assistant Planning Director

Sent 9-16-98

**LEGAL NOTICE
NOTICE OF PUBLIC HEARING**

The Cochise County Planning and Zoning Commission hereby gives notice a Public Hearing will be held at or after 5:00 p.m. on Wednesday, October 14, 1998 at 1415 West Melody Lane, Building B, Bisbee, Arizona to consider the following:

Docket R-98-02: An application to amend the Cochise County Zoning Regulations to allow manufactured homes in Neighborhood Business Zoning Districts (Section 1102.01). Currently, manufactured homes cannot be used as a residence in this zoning district.

Applicant: Raymond J. Calderon Sr.

Details of the above docket are on file in the office of the Cochise County Planning Department, 1415 W. Melody Lane, Bisbee, Arizona, and may be examined during office hours (Monday through Friday, 8 a.m. to 5 p.m.). All persons interested in said matter may appear at said public hearing at said time and place and show cause, if any they have, why said request should or should not be granted.

If the Cochise County Planning and Zoning Commission makes a recommendation, the Cochise County Board of Supervisors hereby gives notice that a Public Hearing for final action will be held at or after 10:30 a.m. on Monday November 2, 1998 at the same location.

Dated this 16th day of September, 1998

Dave Guy, Chairman

Planning and Zoning Commission

Publish in: San Pedro News, Range News, Sierra Vista Herald/Bisbee Review, Tombstone Tumbleweed, and Douglas Dispatch

Publish: No later than 9/25/98

Publish as: 1/8th page Display Ad

TRANSMITTAL LETTER

TO:

John MacKinnon
James E. Vlahovich
Patricia Morris
Bayer Vella

DATE: September 14, 1998
DOCKET: Docket R-98-02

FROM: Judy Anderson, Assistant Planning Director

Enclosed please find: Letter from Applicant, Raymond Calderon
Letter to Applicant from Planning Department

- X For your Review & Written Comments
As Requested
- X For Your Files
For Your Information

PLEASE RETURN TO THIS DEPARTMENT BY: September 28, 1998

This docket is being analyzed for a staff report and recommendation to the Commission. Please advise this department of any concerns your department or agency has regarding this request. Relate specific information such as need for right-of-way dedication, inadequate utilities or infra-structure, utility easements or structures which might be affected by this use, applicable regulations or any other issues you want considered in our report.

COMMENTS: The applicant is requesting to allow Manufactured Homes in the Neighborhood Business Zoning District. Should we include mobile homes as well? My thought is no. As far as I can tell, the only amendment necessary is to Section 1102.01. Am I missing anything? Thanks, Judy

New Pass note
BOTH! Think
1102.01 is all
we need to change.
J.V.

Pd. \$250.00
Receipt 5049
R-98-01

TO: Cochise County Planning, ATT: Judy Anderson

From: Raymond J. Calderon SR.

Date: September 14, 1998

RE: Parcel 107-54-015

We request a change to Article 11, Neighborhood Business Zoning District, to allow manufactured homes (Section 1102.01). Enclosed is a check for \$250 to cover the fee.

We understand that this change is proposed in the draft of the revised Zoning Regulations that are currently under review. We are requesting this change at this time to expedite our ability to place a manufactured home on our property that is zoned Neighborhood Business.



P.O. Box 2362

SIERRA VISTA

AZ. 85636

#1520-455-5248



COCHISE COUNTY PLANNING DEPARTMENT

1415 W. MELODY LANE, BISBEE, ARIZONA 85603-3080

(520) 432-9450 / 9451
FAX 432-9429

September 10, 1998

Raymond J. Calderon SR.
P. O. Box 2362
Sierra Vista, Arizona 85636

RE: Parcel 107-54-015

Dear Mr. Calderon:

This letter is in reference to the land you own on Moson Road that is zoned Neighborhood Business. We were correct that the Zoning Regulations do not allow a manufactured home in this zoning district. You could place a modular home on your property. I have enclosed the definition of a modular home.

For your information, the Department is proposing new Zoning Regulations that would allow manufacture home in Neighborhood Business. We are hopeful that these regulations will be adopted within the next six months. If adopted, a manufactured home would become a permitted use.

Another option is for you to request that the regulations be changed now to allow manufactured homes in Neighborhood Business. The fee for a regulation change is \$250. This process requires two public hearings and takes at least three months to process.

We discussed the potential for rezoning your parcel: possibly to a district that allows mobile homes. This option is also available to you and a handout explaining the procedure is enclosed. The fee is \$410. With the exception of the "grandfathered" mobile home park next to your site, the bulk of the surrounding land is zoned for rural or large lot residential uses. This would be a factor against your rezoning.

Please give me a call if you have any questions about this information.

Sincerely,


Judy Anderson, Assistant Planning Director

Xc: James E. Vlahovich, Director
Bayer Vella, Building and Zoning Administrator



COCHISE COUNTY PLANNING DEPARTMENT

1415 W. MELODY LANE, BISBEE, ARIZONA 85603-3090

(520) 432-9450 / 9451
FAX 432-9429

MEMORANDUM

TO: Planning and Zoning Commission

FROM: Judy Anderson, Assistant Planning Director
For: James E. Vlahovich, Planning Director

SUBJECT: Docket R-98-02 (Neighborhood Business Amendment)

DATE: September 28, 1998

APPLICATION FOR ZONING REGULATION AMENDMENT

Docket R-98-02: application to amend the Cochise County Zoning Regulations to allow mobile homes and manufactured homes in the Neighborhood Business Zoning District (Section 1102.01). Currently, they are not permitted in this district.

BACKGROUND

The applicant, Raymond J. Calderon Sr., owns a 40,000 square foot parcel along Moson Road zoned Neighborhood Business (NB). This district was applied when zoning was adopted in 1975 probably because (per the applicant) the site was developed with a feed store at that time. Mr. and Mrs. Calderon wish to place a manufactured home on the site to use as their home. Only site built homes are allowed in NB.

Parcels developed with manufactured and mobile homes surround the applicant's parcel. They are zoned RU-4 excepting that the parcel to the east is zoned MH-54 (minimum lot size 5400 square feet) and is developed as a legal non-conforming mobile home park established prior to 1975.

REZONING VS REGULATION CHANGE/PROPOSED ZONING REGULATIONS UPDATE

Amending the NB district to add two new uses affects all parcels in the County zoned NB despite the fact that this docket was initiated because of limitations placed on an individual parcel. Normally in this instance, the applicant would process a rezoning. His parcel, however, is a legal non-conforming parcel of less than one-acre in a *Rural Comprehensive Plan Designation*. This Designation requires residential lot sizes of two acres or more consequently, a plan amendment would also be required.

The proposed update to the zoning regulations recommends permitting mobile and manufactured homes in NB (see attached). Rather than ask the applicant to process both a plan amendment and a rezoning it seemed reasonable to proceed with this minor amendment to the Zoning Regulations in advance of acting on the overall update.

ANALYSIS

Introduction: Given that this amendment if approved affects all parcels zoned NB, the specifics of the applicant's parcel are provided for background information only and do not apply for analytical purposes.

Analysis: NB zoning is permitted in both the *Neighborhood Conservation and Developing Comprehensive Plan Designations*. Both of these Designations allow residential districts that permit mobile and manufactured homes such as Transitional Residential and Mobile Home districts. Consequently, as currently written the Zoning Regulations allow NB districts next to districts that allow mobile and manufactured homes. Given this fact, prohibition of mobile and manufactured homes in NB appears to be unnecessary and contradictory. Approval of this amendment, therefore, will implement Section 102.1A.Policy 9 of the *Comprehensive Plan* which directs the County to reduce contradictions and unnecessary regulations.

PUBLIC COMMENT

An 1/8TH of a page legal notice appeared in the San Pedro News, Range News, Sierra Vista Herald/Bisbee Review, Tombstone Tumbleweed, and Douglas Dispatch As of the date of this memorandum, no comment has been received.

SUMMARY

This is a request to add mobile and manufactured homes to permitted uses in the NB zoning district. The update to the Zoning Regulations proposes this change. Furthermore, it implements a section of the *Comprehensive Plan* that directs the County to reduce contradictions and unnecessary regulations in the Zoning Regulations.

RECOMMENDATION

- ▶ The Planning Department suggests that the Commission forward the attached Ordinance to the Board of Supervisors with a recommendation of **APPROVAL**.

ATTACHMENTS: Letter to Applicant-Letter from Applicant-Proposed new language in Draft Zoning Regulations-Ordinance