

EXHIBIT “A” R-16-01 Zoning Regulations Update

203 Definitions

Accessory Living Quarters – An attached or detached structure (including detached bedrooms) that is used either as a guesthouse or as quarters for the ill, elderly or disabled, or their caretaker(s). Accessory Living Quarters must be incidental and subordinate in size (including all garages, porches, etc), impact, and purpose to a principal dwelling.

Detached Accessory Living Quarters are limited to one kitchen per unit.

Except for parcels zoned Rural, in the absence of a Special Use Authorization, the Accessory Living Quarters shall not have a separate address or separate utility meters. In the absence of a Special Use Authorization, the Accessory Living Quarters shall not be rented separately from the main residence, nor used for commercial purposes other than a Home Occupation.

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, and park models may be permitted as Accessory Living Quarters in those Zoning Districts that allow mobile homes and manufactured homes as permitted structures.

Amateur Radio - Also called “Ham Radio”, the radio facilities and use of designated radio frequencies operated for noncommercial purposes by individuals for the purpose of self-training, intercommunication and technical investigations carried out by amateurs, that is, duly authorized persons interested in radio technique solely with a personal aim and without pecuniary interest licensed by the Federal Communications Commission (FCC). This is not considered Communication Equipment.

Animal Husbandry Services - Facilities, including kennels, related to the care, raising, boarding, and breeding of animals.

Building Permit - A permit granted to a property owner by the County Zoning Inspector to use, establish, construct, alter, or enlarge any portion of a building or structure as permitted by the adopted building and zoning codes and as allowed pursuant to the approval of a Special Use Authorization.

Communication Equipment - A facility or shelter used for housing equipment for switching, processing, transmission and/or reception of Federal Communications Commission (FCC) licensed wireless communications services involving the use of an antenna array, connection cables, and equipment shelters.

Conforming Use - A use of land which is permitted or approved as a Special Use Authorization in the Zoning District in which it is situated.

Cultural, Historic and/or Nature Exhibits - Activities which include, but are not limited to libraries, museums, art galleries, planetariums, aquariums, botanical gardens, arboretums, zoos, and historic sites.

Custom Butchering/Meat Curing/Processing – The cutting, curing, and processing of meat, to include on-site butchering, operating under the Arizona Department of Agriculture 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 and also for not more than two-hundred-fifty turkeys, or not more than an equivalent number of birds of all species with four-birds of other species being deemed equivalent of one-turkey in one-calendar year.

Guest Lodging – A building or group of buildings furnishing rooms or an area for accommodation for overnight or short term lodging such as a hotel or motel, resorts, guest ranches, group camps, and campgrounds and may include recreational facilities, restaurants, meeting rooms or similar facilities. This definition does not include Recreational Vehicle Parks or Bed and Breakfast land uses.

Home Occupation - An activity carried on by the occupant of a dwelling as a secondary use, including personal and professional services, subject to the following limitations:

- G. There shall be allowed one on-site non-illuminated permanent sign not to exceed four-square feet with a maximum height of five-feet and vehicular signs.

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Mobile Home, Rehabilitated - A mobile home that has been rehabilitated and certified as such by the Department of Fire Building and Life Safety or that exhibits the approved Rehabilitation Insignia before 2013 or Rehabilitation Certificate as of January 1, 2013 from the Department of Fire Building and Life Safety.

Recreational Facilities, Indoor and/or Outdoor - An area designed and equipped for active recreation, sports, or leisure time activities and other customary and similar activities for public or private use, including, but not limited to parks, baseball or softball diamonds, soccer and football fields, tennis courts, and roping and equestrian arenas. This does not include fairgrounds, amusement parks, zoos, or outdoor firearms, skeet, archery or trap-shooting ranges, unlighted facilities which are accessory to a permitted principal use or lighted roping arenas for private use which are allowed as accessory uses to a residential permitted principal use.

Residential Care Home - A single-household dwelling licensed by the State which is used to provide housing and supervisory personal or custodial care services to not more than six (6) persons residing on the site. The home is a single-household dwelling for the purposes of all County Zoning Ordinances and shall not be subject to non-residential site development standards, but shall require a Non-Residential permit. A Residential Care Home may include facilities for individuals who require special care for physical, mental, or emotional reasons including, as defined by the State of Arizona, adult care homes, adult foster homes, homes for the elderly, or the disabled and/or adult and juvenile group homes. A Residential Care Home may include a home for juveniles if it meets the criteria of Article 17. This definition does not include an Offender Rehabilitation Facility.

The limitation of six (6) or fewer persons does not include the operator of a Residential Care Home, members of the operator's family or persons employed as staff, except that the total number of all persons living at the Residential Care Home shall not exceed sixteen (16). Only one Residential Care Home is allowed per parcel or site.

Residential Care Institution - An operation licensed by the State, which is used to provide housing and supervisory personal or custodial care services to more than six (6) persons residing on the site. A Residential Care Institution may include facilities for individuals who require special care for physical, mental, or emotional reasons including, as defined by the State of Arizona, adult care homes, adult foster homes, homes for the elderly, or the disabled and/or adult and juvenile group homes. A Residential Care Institution may include a home for juveniles that meet the criteria of Article 17. This definition does not include an Offender Rehabilitation Facility.

Retail Sales/Rentals - All sales and/or rentals, indoors and/or outdoors, of products for their final consumers. May include light manufacturing or assembling incidental to retail sales from the premises provided that not more than forty-percent of the floor area occupied by such business is used for manufacturing, baking, processing, assembling, treatment, installation, and repair of products. May include outdoor accessory storage of materials, merchandise, supplies and/or equipment with required screening if applicable.

Site - All actual land used, developed, intended to be developed or occupied for a use or group of uses, to include its buildings, structures, storage and service areas, streets, driveways, and any required setbacks around the perimeter of such land. In most cases, a site will be a single lot or parcel of record; however, a site may also be a portion of a lot or parcel, or even an aggregation of contiguous lots or parcels, whether under single or multiple ownership

Site Area, Minimum - The minimum area of a site upon which a specific use(s) may be permitted. Easements may be included in the calculation of the minimum site area. Property that is transferred in fee simple to the public or to the County, as necessary to perfect adequate right-of-way for those roadways depicted on the Cochise County Maintained Road System Map, or right-of-way acquired by the County, or another public entity for some other public purpose, may also be included in the calculation of the minimum site area. A permit may be issued if the minimum site area deficiency can be attributed to surveyor error as denoted in the table below.

Solar Energy Power Plant - A Non-Residential, utility-scale Solar Energy System, the purpose of which is to supply solar-generated electricity to off-site consumers. Accessory structures may include buildings, substations and associated electrical infrastructure. The term does not include stand-alone, Solar Energy Systems for on-site use.

Welfare and/or Charitable Services - Services operated by public agencies or private associations for the benefit of the disadvantaged, or for mental, behavioral, medical, or protective assistance for the public benefit. This may include a non-supervisory, non-custodial, residential component.

Wind Energy Power Plant – A Non-Residential, utility-scale Wind Energy System, the primary purpose of which is to supply electricity to off-site consumers, consisting of a network of Wind Turbines and accessory structures and buildings,

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including substations, anemometers, and associated electrical infrastructure. The term does not include stand-alone, Wind Energy Systems for on-site use which feed residual power into the electrical grid, as defined by the Arizona Corporation Commission.

Wind Energy System - A system which uses one or more wind turbines, batteries, power inverters and other associated components to convert the kinetic energy of the wind into electricity for use by consumers. Wind Energy Systems consisting of one or more Wind Turbines may provide power to one or more principal uses, well pumps, or accessory structures on the same parcel on which they are sited. Wind Energy Systems subject to maximum densities Article 18.

Winery Tasting Room – A building or portion thereof, subordinate in size, accessory to, and located on the same site as, a Farm Vineyard, Farm Winery, Small Production Winery or Large Production Winery operation, in which wine may be sampled and/or purchased. If the principal winery is exempt as Agricultural Processing Services, On-Site then the tasting room shall be exempt as well. A Winery Tasting Room may also include incidental retail sales of wine and related products.

307 Non-Permitted Uses

Any use not permitted in a district, either as a permitted use or as a Special Use Authorization, shall be permitted only if it reasonably fits under the generic category of uses and is not otherwise excepted therefrom.

402 Declaration

Plan Designation	Permitted Zoning Districts
Neighborhood Conservation (NC)	R-36, R-18, R-9, NB, SM-36, SM-18, SM-9, SR-43, SR-22, SR-12, SR-8, MR-1, MR-2
Enterprise (ENT)	NB, GB, LI, HI
Developing (DEV)	RU-2, R-36, R-18, R-9, SM-87 (2-acres), SM-36, SM-18, SM-9, SR-87 (2-acres), SR-43, SR-22, SR-12, SR-8, MR-1, MR-2, NB, GB, LI, HI
Neighborhood Rehabilitation (NR)	Same as NC
Enterprise Redevelopment (ER)	Same as ENT
Rural Residential (RR)	RU-36, RU-18, RU-10, RU-4, RU-2, SM-36 Acres, SM-18 Acres, SM-10 acres, SM-174 (4-acres), SM-87 (2-acres), SR-36 Acres, SR-18 Acres, SR-10 acres, SR-174 (4-acres), SR-87 (2-acres)
Rural (R)	RU-36, RU-18, RU-10, RU-4, RU-2, SM-36 Acres, SM-18 Acres, SM-10 acres, SM-174(4-acres), SM-87 (2-acres), SR-36 Acres, SR-18 Acres, SR-10 acres, SR-174 (4-acres), SR-87 (2-acres), HI

404.06 Designating Areas as Rural Residential (RR)

The “Rural Residential” (RR) plan designation is used to describe areas in Category D (Rural) areas with a definite pattern of residential development on larger lots, two-acres or larger in size. Due to the well-established residential character of these areas, Rezonings or Special Use Authorizations to allow for more intensive developments that do not directly serve the residents of these areas are not generally appropriate. Less intensive businesses that serve area residents may be appropriate.

407.04

Before approval of any change to the Comprehensive Plan, the Planning Commission shall hold at least one public hearing thereon, after giving at least 15-calendar days notice by publication once in a newspaper of general circulation in the County seat. In addition, the notice shall be published in a newspaper of general circulation in the area to be affected, or adjacent thereto, if the area affected is other than the County seat. A recommendation of approval by the Planning Commission shall require the affirmative vote of a majority of the members present.

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407.06

Pursuant to Arizona Revised Statutes, 60-calendar days prior to the Board of Supervisors meeting, the Community Development Department shall transmit a formal notice of any major amendment or plan element to:

407.07

After the Planning Commission makes its recommendation on an amendment to the Comprehensive Plan, the application shall be submitted to the Board of Supervisors for its consideration and official action. The Board of Supervisors shall hold one public hearing at which residents of the affected area and other members of the public shall be heard. At least 15-calendar days notice of the hearing shall be given by publication once in a newspaper of general circulation in the County seat. The Board shall consider protests and objections to the plan. The Board may adopt the plan as presented, impose conditions or modifications, or reject it in whole or in part. All proposed major amendments, as defined previously (Section 405), for a given calendar year shall be presented to the Board of Supervisors, with the recommendations from the Planning Commission, at a single public hearing, to be held during the last quarter of each calendar year. Applications for major amendments will only be accepted from the first business day in January to the last business day of August in order to allow for proper public notice, analysis, and deliberation at this hearing.

603.05 Veterinary Clinics and/or Animal Hospitals (enclosed building).

603.15 Recreational Facilities, Indoor and/or Outdoor, approved as part of a subdivision review process for subdivision residents and guests only

603.18 Agricultural-Processing with a 300-foot minimum setback.

604.03 Setbacks, Principal and Accessory Structures/Uses

The minimum setback shall be measured from the closest point on the property line or the edge of road travelway to the structure/use, whichever is closer. The minimum required setbacks for permitted uses are:

District	Setback*
RU-36	20-feet
RU-18	20-feet
RU-10	20-feet
RU-4	20-feet
RU-2	20-feet

* The minimum required setbacks for accessory structures no larger than 200-square feet is 10-feet.

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. For residential uses, the following additional accessory uses and buildings shall be permitted:

605.03 One Accessory Living Quarter, subject to the definition in Article 2 and the procedures in Article 17.

606 Other Permitted Uses

The following rural uses will be allowed without the establishment of a permitted principal use:

606.01 Solid fences or walls seven-feet in height or less. Setbacks do not apply; no permit required unless greater than three feet in height on a corner lot (informational permit required).

607.06 Veterinary Clinics and/or Animal Hospitals.

607.08 Recreational Facilities, Indoor and/or Outdoor.

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607.23 Retail Sales/Rentals.

607.38 Golf Courses, subject to the site development standards in Article 18.

607.39 Agricultural-Processing with less than a 300-foot minimum setback.

607.49 Wind Energy Power Plants in Category D Areas only, subject to site development standards in Article 18.

607.52 Solar Energy Power Plants, subject to site development standards in Article 18.

703.09 Recreational Facilities, Indoor and/or Outdoor, approved as part of a subdivision review process for subdivision residents and guests only.

704.03 Setbacks, Principal and Accessory Structures/Uses

The minimum setback shall be measured from the closest point on the property line or the edge of road travelway to the structure/use, whichever is closer. The minimum required setbacks for permitted uses are:

District	Setback*
R-36	20-feet
R-18	20-feet
R-9	10-feet

* The minimum required setbacks for accessory structures no larger than 200-square feet are half that of the Zoning District in which it is located.

706 Other Permitted Uses

The following uses will be allowed without the establishment of a permitted principal use on parcels four-acres or larger:

706.03 Solid fences or walls seven- feet in height or less. Setbacks do not apply; no permit required, except if greater than three-feet in height on a corner lot (informational permit required).

707.02 Day Care Facilities or Establishments.

707.12 Golf Courses, subject to the site development standards in Article 18.

707.13 Recreational Facilities, Indoor and/or Outdoor.

707.15 Veterinary Clinics and/or Animal Hospitals.

707.16 Animal Husbandry Services.

707.17 Contract Construction Services in R-36 only.

707.18 Manufacturing, Wholesaling, Warehousing, Distribution, and/or Storage of Agriculture-Related Products in R-36 only.

707.19 Repair Services, Light, not to exceed 2,500-square feet of floor area.

707.20 Group Quarters.

707.21 Commercial Plant Nurseries.

707.22 Mini-Warehouses.

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707.23 Farmers Markets.

803.09 Recreational Facilities, Indoor and/or Outdoor approved as part of a subdivision review process for subdivision residents and guests only.

804.01 Minimum Site Area and Maximum Density

District	Minimum Site Area	Maximum Density
SM-36 Acres	36-acres	One dwelling unit per 36-acres
SM-18 Acres	18-acres	One dwelling unit per 18-acres
SM-10 Acres	10-acres	One dwelling unit per 10-acres
SM-174 (4-acres)	174,240-square feet (4-acres)	One dwelling unit per 174,240-square feet (4-acres)
SM-87 (2-acres)	87,120-square feet (2-acres)	One dwelling unit per 87,120-square feet (2-acres)
SM-36	36,000-square feet	One dwelling unit per 36,000-square feet
SM-18	18,000-square feet	One dwelling unit per 18,000-square feet
SM-9	9,000-square feet	One dwelling unit per 9,000-square feet

804.02 Maximum Height

Principal structure	30-feet above grade
Accessory structure	20-feet above grade
Wall or fence	8-feet above grade

804.03 Setbacks, Principal and Accessory Structures/Uses

The minimum setback shall be measured from the closest point on the property line or the edge of road travelway to the structure/use, whichever is closer. The minimum required setbacks for permitted uses are:

District	Setback*
SM-36 Acres, SM-18 Acres, SM-10 Acres	20-feet
SM-174 (4-acres), SM-87 (2-acres), SM-36, SM-18	20-feet
SM-9	10-feet

* The minimum required setbacks for accessory structures no larger than 200-square feet are half that of the Zoning District in which it is located.

804.04 Maximum Site Coverage

District	Maximum Site Coverage
SM-36 Acres, SM-18 Acres, SM-10 Acres	25%
SM-174 (4-acres), SM-87 (2-acres)	25%
SM-36, SM-18, SM-9	65%

806.06 Golf Courses, subject to the site development standards in Article 18.

806.07 Recreational Facilities, Indoor and/or Outdoor.

806.14 Animal Husbandry Services.

806.15 Farmers Markets.

806.16 Commercial Plant Nurseries.

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902.06 SR-43

903.01 All Single-Household Dwellings (Site Built and Factory Built Buildings), excluding Manufactured Homes and Rehabilitated Mobile Homes.

903.08 Recreational Facilities, Indoor and/or Outdoor, approved as part of a subdivision review process for subdivision residents and guests only.

904.01 Minimum Site Area and Maximum Density

The minimum site area and maximum density are as follows:

District	Minimum Site Area	Maximum Density
SR-36 Acres	36-acres	One dwelling unit per 36-acres
SR-18 Acres	18-acres	One dwelling unit per 18-acres
SR-10 Acres	10-acres	One dwelling unit per 10-acres
SR-174 (4 acres)	4-acres	One dwelling unit per 4-acres
SR-87 (2 acres)	2-acres	One dwelling unit per 2-acres
SR-43	43,560-square feet	One dwelling unit per 43,560-square feet
SR-22	22,000-square feet	One dwelling unit per 22,000-square feet
SR-12	12,000-square feet	One dwelling unit per 12,000-square feet
SR-8	8,000-square feet	One dwelling unit per 8,000-square feet

904.03 Setbacks, Principal and Accessory Structures/Uses

The minimum setback shall be measured from the closest point on the property line or the edge of road travelway to the structure/use, whichever is closer. The minimum required setbacks for permitted uses are:

District	Setback*
SR-36 Acres, SR- 18 Acres, SR-10 Acres	20-feet
SR-174 (4 acres), SR-87 (2 acres), SR-43, SR-22	20-feet
SR-12, SR-8	10-feet

* The minimum required setbacks for accessory structures no larger than 200-square feet are half that of the Zoning District in which it is located.

906.02 Day Care Facilities or Establishments.

906.07 Golf Courses, subject to the site development standards in Article 18.

906.08 Recreational Facilities, Indoor and/or Outdoor.

906.14 Animal Husbandry Services.

906.15 Commercial Plant Nurseries.

906.16 Farmers Markets.

1002 Division of MR Zoning Districts

The MR (Multiple-Household Residential) Zoning District shall be further divided into the following density districts, which are so designated on the Official Zoning District Map, and subject to the regulations herein:

1002.01 MR-1

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1002.02 MR-2

Existing MR-A, MR-B, and MR-C Zoning Districts shall be subject to the requirements of the MR-1 Zoning District. Existing MH-72, MH-54, MH-36, and MH-18 Zoning Districts shall be subject to the requirements of the MR-2 Zoning District. See Section 1004.01 for minimum site areas and maximum density.

1003.06 Recreational Facilities, Indoor and/or Outdoor, approved as part of a subdivision review process for subdivision residents and guests only.

1004 Site Development Standards

All uses permitted in MR Zoning Districts shall conform to the following minimum site development standards in addition to the provisions of Article 18:

1004.01 Minimum Site Area and Maximum Density

District	Minimum Site Area	Maximum Density
MR-1	3,600-square feet	One dwelling unit per 3,600-square feet
MR-2	3,600-square feet	One dwelling unit per 3,600-square feet
Previously	Minimum Site Area	Maximum Density
MH-18	1,800-square feet	One dwelling unit per 1,800-square feet
MH-36	3,600-square feet	One dwelling unit per 3,600-square feet
MH-54	5,400-square feet	One dwelling unit per 5,400-square feet
MH-72	7,200-square feet	One dwelling unit per 7,200-square feet

1004.03 Setbacks, Principal and Accessory Structures/Uses

The minimum setback shall be measured from the closest point on the property line or the edge of road travelway to the structure/use, whichever is closer. The minimum required setbacks for permitted uses are:

- A. For those MR Zoning Districts which abut MR, NB, GB, LI, HI, or PD Zoning Districts, the setback shall be a minimum of 7.5-feet. Zero lot lines between townhouses or condominiums within an approved subdivision shall be permitted.
- B. For those MR Zoning Districts which abut RU, R, SM, or SR Zoning Districts, the setback shall be a minimum of 20-feet. Zero lot lines between townhouses or condominiums within an approved subdivision shall be permitted.

1006.06 Recreational Facilities, Indoor and/or Outdoor.

1006.08 Golf Courses, subject to the site development standards in Article 18.

1006.11 Personal and Professional Services.

1006.12 Residential Care Institutions.

1006.13 Health Clinics.

1006.14 Day Care Facilities or Establishments.

1006.15 Farmers Markets.

1102.11 Recreational Facilities, Indoor and/or Outdoor, not to exceed 2,500-square feet of floor or recreation area.

1102.12 Retail Sales/Rentals not to exceed 2,500-square feet of floor area.

1103.03 Setbacks, Principal and Accessory Structures/Uses

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The minimum setback shall be measured from the closest point on the property line or the edge of road travelway to the structure/ use, whichever is closer. The minimum required setbacks for permitted uses shall be 20-feet.

1104.05 Wind Energy Systems, subject to site development standards in Article 18.

1104.06 Solar Energy Systems, subject to site development standards in Article 18.

1106.07 Retail Sales/Rentals exceeding 2,500-square feet of floor area.

1106.09 Recreational Facilities, Indoor and/or Outdoor, exceeding 2,500-square feet of floor area..

1106.11 Golf Courses, subject to the site development standards in Article 18.

1106.17 Animal Husbandry Services.

1106.18 Mini-Warehouses.

1106.19 Commercial Plant Nurseries.

1202.05 Day Care Facilities or Establishments.

1202.19 Recreational Facilities, Indoor and/or Outdoor.

1202.26 Retail Sales/Rentals.

1202.31 Parking Lot, Commercial.

1202.35 Custom Butchering/Meat Curing/Processing with a 100-foot minimum setback.

1202.42 Car Wash.

1203.02 Setbacks, Principal and Accessory Structures/Uses

The minimum setback shall be measured from the closest point on the property line or the edge of the road travelway to the structure/use, whichever is closer. The minimum required setbacks for permitted uses are:

- A. For those GB Zoning Districts which abut LI, HI, GB, or NB or PD Zoning Districts, the setback shall be a minimum of 5-feet, except that the structure/use shall maintain a setback of 20-feet from any road travelway and any other setbacks required by building codes. Zero lot lines between townhouses or condominiums within an approved subdivision shall be permitted.

The minimum required setbacks for Special Use Authorizations shall be 10-feet.

- B. For those GB Zoning Districts which abut RU, R, SR, SM, or MR Zoning Districts the setback shall be a minimum of 40-feet and 20-feet from any road travelway. Zero lot lines between townhouses or condominiums within an approved subdivision shall be permitted.

1205.05 Motion Picture Production Sites/Studios.

1205.15 Golf Courses, subject to the site development standards in Article 18.

1205.16 Solar Energy Power Plants, subject to site development standards in Article 18.

1205.17 Wind Energy Power Plants, subject to site development standards in Article 18.

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1205.18 Medical Marijuana Cultivation Facility, subject to site development standards in Article 18.

1205.19 Medical Marijuana Dispensary, subject to site development standards in Article 18.

1205.20 Medical Marijuana Dispensary Cultivation Facility, subject to site development standards in Article 18.

1205.21 Medical Marijuana Infusion Facility, subject to site development standards in Article 18.

1205.22 Custom Butchering/Meat Curing/Processing with less than a 100-foot minimum setback.

1302.09 Recreational Facilities, Indoor and/or Outdoor.

1302.12 Retail Sales/Rentals.

1302.21 Parking Lot, Commercial.

1302.42 Agricultural-Processing with a 300-foot minimum setback.

1302.46 Solar Energy Power Plants, subject to site development standards in Article 18.

1303.02 Setbacks, Principal and Accessory Structures/Uses

The minimum setback shall be measured from the closest point on the property line or the edge of the road travelway to the structure/use, whichever is closer. The minimum required setbacks for permitted uses are:

- A. For those LI Zoning Districts which abut LI, HI, GB or PD Zoning Districts, the setback shall be a minimum of 5-feet , except that the structure/use shall maintain a setback of 20-feet from any road travelway and any other setbacks required by building codes.
- B. For those LI Zoning Districts, which abut RU, R, SR, SM, NB or MR Zoning Districts the setback shall be a minimum of 80-feet and 20-feet from any road travelway.

1305.04 Solid Waste Landfills or Incinerators.

1305.05 Regional Sewage Treatment Plants.

1305.06 Electrical Generating Plants.

1305.07 Airports, Airstrips, Helipads, and/or Heliports.

1305.08 Wind Energy Power Plants, subject to site development standards in Article 18.

1305.09 Communications Towers exceeding 199-feet in height, subject to site development standards in Article 18.

1305.10 Medical Marijuana Cultivation Facility, subject to site development standards in Article 18.

1305.11 Medical Marijuana Dispensary, subject to site development standards in Article 18.

1305.12 Medical Marijuana Dispensary Cultivation Facility, subject to site development standards in Article 18.

1305.13 Medical Marijuana Infusion Facility, subject to site development standards in Article 18.

1305.14 Commercial Feedlots.

1305.15 Agricultural-Processing with less than a 300-foot minimum setback.

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1305.16 Slaughterhouses/Meat Packing Plants with less than a 300-foot minimum setback.

1402.11 Commercial Feedlots, Stockyards, and/or Livestock Auction Barns with a 300-foot minimum setback.

1402.13 Agricultural-Processing with a 300-foot minimum setback

1402.20 Parking Lot Commercial.

1402.36 Recreation Facilities, Indoor and/or Outdoor.

1402.37 Solar Energy Power Plants, subject to site development standards in Article18.

1403.02 Setbacks, Principal and Accessory Structures/Uses

The minimum setback shall be measured from the closest point on the property line or the edge of the road travelway to the structure/use, whichever is closer. The minimum required setbacks for permitted uses are:

- A. For those HI Zoning Districts which abut HI, or LI, or PD Zoning Districts, the setback shall be a minimum of 5-feet, except that the structure/use shall maintain a setback of 20-feet from any road travelway and any other setbacks required by building codes.
- B. For those HI Zoning Districts, which abut RU, R, SR, SM, NB, MR, or GB Zoning Districts the setback shall be a minimum of 100-feet and 20-feet from any road travelway.

1405.12 Commercial Feedlots, Stockyards, and/or Livestock Auction Barns with less than a 300-foot minimum setback.

1405.13 Agricultural-Processing with less than a 300-foot minimum setback.

ARTICLE 15

PD, PLANNED DEVELOPMENT DISTRICT

1502.01 All Single-Household Dwelling units, including Manufactured Homes, excluding Rehabilitated Mobile Homes and Recreational Vehicles.

1502.04 Manufactured Home Parks, subject to site development standards in Article 18.

1502.09 Day Care Facilities or Establishments.

1502.16 Golf Courses, subject to site development standards in Article 18.

1502.17 Recreational Facilities, Indoor and/or Outdoor.

1502.18 Retail Sales/Rentals.

1502.25 Parking Lot, Commercial.

1502.47 Communications Towers, subject to site development standards in Article 18.

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1502.51 Anemometers, with temporary use permit not to exceed 3-years.

1502.52 Wind Energy Systems (as Accessory Uses), subject to site development standards in Article 18.

1502.53 Animal Husbandry Services.

1502.54 Solar Energy Systems (as Accessory Uses), subject to site development standards in Article 18.

1502.55 Solar Energy Power Plants, subject to site development standards in Article 18

1502.56 Community Gardens.

1502.57 Hospitals

1602.03 Applicability

A. New Uses, Buildings and Additions or Modifications:

The requirements of this Article shall apply to any and all new uses and to additions to existing land uses, developments, buildings, or structures.

1. If a major addition occurs on a property with a non-residential use, the entire property shall comply with the requirements of this Article. For purposes of this section, major additions are changes of 50-percent or more in terms of additional dwelling units, gross floor area, or seating capacity, that have occurred either as single or with cumulative additions or modifications which have occurred since March 3, 1982, the effective date of this provision.

1602.04 Special Use Authorization Requirements

Any application or lighting installation not meeting all requirements of this Article, including, but not limited to height, shielding, curfew, or lumen caps shall require a Special Use Authorization pursuant to Article 17. At the time of Special Use Authorization submittal, the proposed lighting system design shall be certified by a knowledgeable Arizona Registered professional or other certified lighting specialist as achieving the minimum illuminance level for the specific activity as recommended by the Illuminating Engineering Society of North America (IESNA) and that the design shall conform to all other applicable provisions of this Article and with aiming angles that permit no greater than five-percent of the light emitted by each fixture to project above the horizontal. The submittal must contain complete specifications, including total lumen/ nit count to meet the requirements of off-site glare and light trespass, as specified in this Article and the Arizona Registered professional or other certified lighting specialist shall provide verification that the correct equipment shall be installed and functioning after installation.

1603 Definitions

Sign, Digital - A type of unshielded electronic display that can show programming, menus, information, advertising, and other messages. Digital signs are lighted and utilize technologies such as Liquid Crystal Display (LCD), (Light Emitting Diodes) LED, plasma displays, or projected images to display content.

1605.02 Height

- A. Residential Sites: The overall height of lighting fixtures (including the base) shall not exceed 20-feet above ground level, except for residential sites with a minimum parcel size of four-acres or larger, lighting fixtures which are located 50-feet or more from any property line shall not exceed 30-feet in height (including the base) above ground level.

1607.02 Internal Illumination

- C.

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Digital signs that meet the standards as listed in Article 19 are permitted. Digital signs shall be considered unshielded and restricted to total lumen cap per Table 16.1 of this Article. Applicant must supply documentation indicating maximum nit capability for each segment of a digital sign, and demonstrate ability to meet the total nit cap per Table 16.1 of this Article.

1607.03 Other Illuminated Panels

1607.04 Curfew

- A. Illumination for advertising signs, both externally and internally illuminated, shall be turned off at 11 p.m., or when the business closes, whichever is later. Signs subject to curfews are encouraged to have automatic shut-off timers.

1609.01 Requests for Temporary Exemptions

Any individual as defined herein may submit a written request to the County Zoning Inspector for a “temporary exemption” to the requirements of this Article. Such exemption will be valid for 30-calendar days, renewable at the discretion of the County Zoning Inspector. The request for Temporary Exemption shall contain at least the:

1609.02 Appeals for Temporary Exemptions

The County Zoning Inspector, within 15-calendar days from the date of the properly completed Request for Temporary Exemption, shall approve or reject the Request in writing. If rejected, the individual making the Request shall have the right of appeal to the appropriate Board of Adjustment as any other appeal of the County Zoning Inspector's determinations.

1609.03 Private Security Lighting/ Lighting Installed by an Electric Utility

Non-compliant lighting that was installed in good faith by an electric utility shall be brought into conformance with this Article within 5 years of adoption; however, individual light fixtures which are the subject of a citizen complaint or County enforcement action shall be brought into conformance within 30-calendar days of notification of the property owner.

1610.01 Outdoor Recreational Facilities

- D. Facility lighting shall meet shielding, lumen caps, height limits and all other restrictions of this Article:
If meeting all requirements is infeasible, pursuant to Section 1602.04 a Special Use Authorization is required.

1610.02 Outdoor Display Lots

Lighting for display lots shall be considered Class 1 (Color Rendition), and shall be in compliance with the following standards:

- C. Display lot lighting shall meet shielding, lumen caps, height limits, and all other restrictions of this Article.

If meeting all requirements is infeasible, pursuant to Section 1602.04 a Special Use Authorization is required.
- D. Curfew: Display lot lighting shall be turned off between 11 p.m. and sunrise or within 30 minutes after closing of the business, whichever is later. Lighting in the display lot after this time shall be considered Class 2 lighting and shall conform to all restrictions of this Article, including the lumen caps in Table 16.1.
- E. Off-site trespass: The facility shall limit off-site trespass to the maximum extent possible and shall not cause light trespass onto residentially zoned or developed properties.

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1704 Building/Use Permit Required

***List Of Exemptions From Permit Requirements For Single Family Residential Dwellings Only**

- F. Replacing existing plumbing fixtures such as toilet, tub, sink, garbage disposal, water heater (not involving utility change), evaporative cooler, or faucets. Replacing evaporative coolers with non-evaporative system is not exempt.
- I. General landscaping including lawn sprinkler systems, subject to water conservation requirements, and retaining walls up to 4-feet in height, unless supporting a surcharge or impounding Class I, II, or IIIA liquids.
- N. Wood, concrete block or wire fences up to seven-feet high unless on a corner lot. Solid fences or walls greater than three-feet in height on corner lots require an informational permit.
- Q. Replacing cabinets or countertops (not involving in-wall utility changes).
- V. Satellite dishes and residential antennas for wireless communications.

1705.08 If the application is for a non-residential use or multiple-household use, a minimum of three (3) prints of the site plan shall be submitted, and the following additional applicable information shall also be contained:

- L. Sight Triangle per the requirements of Article 18.
- M. Any other information deemed necessary by the County Zoning Inspector to make a determination of conformance with these Zoning Regulations.
- N. Reduced copy (11” x 17”) of the site plan, if the site plan is larger than that.

1707 Withholding Building/Use Permits

If an Applicant fails to provide all of the information required in Section 1705 or fails to satisfy the requirements of Section 1706, the County Zoning Inspector shall withhold approval of the application, and shall provide the Applicant with written notice stating the reason for not approving the application. If a building/use permit cannot be issued by the County Zoning Inspector, the application shall be null and void 120-calendar days after the date of notice.

1712 Permits – Manufactured Homes & Rehabilitated Mobile Homes

A building permit shall be required for the establishment of any individual manufactured home or rehabilitated mobile home on a site, with the exception of unoccupied manufactured or rehabilitated mobile homes used for display purposes on a manufactured/mobile home sales lot. Occupancy of a manufactured or rehabilitated mobile home shall not occur until completion of the final inspection. If the individual manufactured or rehabilitated mobile home is proposed for occupancy, the permit shall include associated installation fees. Permits for such installations shall be valid for a period of 6-months after issuance. If, after this time, the manufactured home or rehabilitated mobile home has not received a favorable, final installation inspection from the County Zoning Inspector, the permit will be null and void. One extension for an additional 6-month period may be granted upon review and approval by the County Zoning Inspector if the Applicant applies for such an extension in writing prior to permit expiration. All extension requests must be in writing and include the parcel number, reason for the request, completion schedule, and applicable extension fee. After one year from the date of initial permit issuance, the permit will be closed. Any work done after that time will require a new permit with all associated fees and requirements. Permit applications for individual manufactured or rehabilitated homes in a manufactured/mobile home park do not require submission of a site plan.

1714.02 Combined Permit Fees

Applications qualifying for Rural Residential Owner-Builder Amendment shall not be subject to separate fees under the Building Safety Code, no separate fee shall be charged for accessory structures, walls and fences, or swimming pools if they are contained on and are a part of an application for a building/ use permit for a principal structure/use.

1715.01 Purpose

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- A. To allow flexibility in how some of the site development standards are applied to individual lots, but not to larger developments such as subdivisions.
- B. To provide flexibility in site development that may be appropriate to facilitate improvements in Neighborhood Rehabilitation (NR) and redevelopment (ER) Enterprise Redevelopment areas.

1715.04 Notice to Affected Property Owners

The County Zoning Inspector shall mail a notice to the surrounding property owners within 300-feet of the subject parcel. The notice shall contain a copy of the application and shall state that all comments concerning the proposed request must be forwarded to the Community Development Department in writing within 15-calendar days from the date the notice was mailed.

1715.05 Action on Application

- A. Based on staff comments and those from the affected property owners, The County Zoning Inspector shall review the proposed development and requested modification(s) of the standard(s) and shall either approve, approve subject to conditions, or deny the application within 7-working days from the end of the 15-calendar day comment period.

1716 Special Use Authorizations

1716.01 Purpose

In order to give these Zoning Regulations the flexibility necessary to achieve the objectives of each Zoning District, Special Use Authorization approval may be granted for certain types of uses. Applications proposing more than two Special Use Authorizations on one or more parcels, unless considered to be closely related components of a single type of use, may be required, instead, by the County Zoning Inspector, to apply for a Rezoning to an appropriate Zoning District.

Because of their unique characteristics, and often times high potential to adversely impact surrounding properties, Special Use Authorizations may be permitted within the Zoning District only when they can demonstrate that potentially negative off-site impacts have been mitigated.

1716.02 Factors For or Against a Proposed Special Use Authorization

The Planning Commission, and the Board of Supervisors if the Special Use Authorization request is appealed, shall consider the factors listed below in deciding whether or not to approve a Special Use Authorization request. Compliance or non-compliance with applicable Special Use Authorization factors serves as the basis for analyzing the Special Use Authorization request and determining factors in favor or factors against the Special Use Authorization request. The Special Use Authorization request factors represent policy decisions by the Planning Commission and the Board, reducing uncertainty concerning their probable response to a given request. No set of factors, however, can totally determine the acceptability of all land use proposals. A property owner who adequately demonstrates compliance with the intent of Comprehensive Plan goals and policies may receive approval in spite of non-compliance with any individual factor. Conversely, a determination that unusual circumstances exist or there is significant public protest pertaining to a Special Use Authorization request may result in a denial. Most Special Use Authorizations have both factors in favor and factors against. In a specific Special Use Authorization request, an individual factor may weigh more heavily than other factors. All factors will be analyzed and balanced against other factors when making a recommendation.

Compliance with applicable factors below constitutes factors in favor of the Special Use Authorization request:

A. Compliance With Duly Adopted Plans

The Special Use Authorization request is consistent with the intent, goals, policies, and/or land use designations of the County Comprehensive Plan, Master Development Plans, area plans, transportation plans, or other land use plans if any have been adopted for the area encompassing the Special Use Authorization request.

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B. Compliance With the Zoning District Purpose Section

The proposed Special Use Authorization request shall comply with one or more of the purposes stated in the "Purpose" section of the applicable Zoning District and is compatible with existing development.

D. Traffic Circulation Factors

1. The Special Use Authorization request is consistent with preservation of the functions of surrounding streets as defined in the County Comprehensive Plan.
2. The Special Use Authorization request does not result in the use of any residential street for non-residential through traffic.

E. Adequate Services and Infrastructure

The following factors are used to determine if there are adequate services and infrastructure to serve the Special Use Authorization request:

1. The Applicant has provided adequate information to evaluate the impacts on roads, other infrastructure, and public facilities. The Applicant must demonstrate that there are adequate provisions to address the impacts identified; the Applicant shall provide data supporting the estimated traffic volume as part of the application.

F. Significant Site Development Standards

The Special Use Authorization request adequately addresses the significant applicable site development standards, including development in or near a floodplain. The Applicant has requested and adequately justified, in writing, any requests for modifications or waivers from site development standards.

G. Public Input

If there is major public opposition to a proposed Special Use Authorization request, this may indicate that the technical evaluation regarding compatibility of the use does not concur with the view of local residents and a recommendation of denial may be appropriate. If public concerns have been raised, it is fair to ask if the Applicant has made a reasonable effort to address these concerns through the Citizen Review Process. If there is major public support of a proposed use, this may be a factor in favor of the request.

H. Hazardous Materials

Impacts from Special Use Authorization requests that may involve hazardous materials have been adequately mitigated.

J. Water Conservation

The Special Use Authorization request complies with the water conservation policies in the County Comprehensive Plan or any other adopted area plan and/or those described in Article 18.

1716.03 Procedures for Issuance of a Special Use Authorization

- A. The Applicant for a Special Use Authorization request shall participate in an informal pre-application meeting with staff, to provide a general overview of the proposed project, to obtain information as to the issues that will need to be addressed in the formal application and to discuss the proposed process for citizen notification.

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- C. The Applicant for a Special Use Authorization request shall file an application for a Special Use Authorization on a form provided by the County Zoning Inspector, a Citizen Review Report in accordance with Article 22, the required fee as provided for in the adopted Planning and Zoning Fee Schedule, and a concept plan, and if not the owner of the site, a letter of permission to apply for the Special Use Authorization. The concept plan shall be submitted and reviewed by the Planning Commission as a means to determine whether the Special Use Authorization request will be able to meet the essential site development standards set forth in these Zoning Regulations. Note: Any anticipated waivers of the site development standards, such as setbacks, screening, etc., must be requested, justified and approved by the Planning Commission prior to building permit issuance. The Concept Plan, at a minimum, shall include:
1. Other information deemed necessary to effectively review the Special Use Authorization request.
- 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, as shown on the most recent available records of the last property tax assessment, located within 1000-feet of the proposed area of the proposed Special Use Authorization request(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 Special Use Authorization request(s). If the Special Use Authorization application proposes an airport, airstrip, firearms range, manufacturing, or storage of hazardous materials as a principal use, feedlot, or electric generation plant, then notification by the Planning Commission of property owners shall extend to one-mile from the subject parcel(s). The notice sent by mail shall include, at a minimum, the date, time and place of the hearing on the proposed Special Use Authorization request(s) including a general explanation of the matter to be considered, a general description of the area of the proposed Special Use Authorization request(s), and how the real property owners within the area may file approvals or protests of the proposed Special Use Authorization request(s).
- E. Site development standards contained in these Zoning Regulations are considered applicable unless modified by the Planning Commission or Board of Supervisors on appeal. Standards may be modified based on a finding that modification of a certain standard will not adversely affect the public health, safety, and general welfare. These standards may be increased or decreased and reasonable requirements imposed as deemed necessary to promote the purpose of these Zoning Regulations, including but not limited to the following:
10. Time limits for the commencement of construction or a time limit within which the Special Use Authorization shall cease to exist;
- F. If approved by the Planning Commission and no appeal has been submitted within the 15-calendar days appeal period, the Applicant shall return the signed acceptance of conditions and modifications and waiver for diminution of value form within 30- calendar days after approval. However, if the Applicant does not return this form within 30- calendar days after approval, the application for a Special Use Authorization approval shall be deemed null and void. A completed non-residential permit application and site plan meeting the requirements set forth in this Article, in substantial conformance with the approved concept plan and modifications, and accompanied by any additional documentation required by the Planning Commission as a condition of Special Use Authorization approval, shall be submitted within 12-months of approval of the Special Use Authorization or within the time frame otherwise specified by the Planning Commission. At the time of permit submittal, if the Special Use Authorization is not in substantial conformance with the approved concept plan and is not within the general purview of the original notice, then the matter shall be heard at a public hearing before the Planning Commission to modify the plan following the procedures set forth in this Article herein. A non-residential permit must be issued within 18-months of approval by the Planning Commission or within the time frame otherwise specified by the Planning Commission. Upon issuance of a building/use permit, the provisions of this Article regarding the withholding, display, time limit, validity, and misrepresentation of building permits shall be applicable.

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- G. Should any other conditions of the Special Use Authorization approval not be met within the time limits specified above or within the time limits specified by the Planning Commission, the Special Use Authorization approval may be revoked by the County Zoning Inspector after 30- calendar days notice to the owner and Applicant, unless a request for an extension is made within this 30- calendar day appeal period. A request for an extension will be subject to the Special Use Authorization modification provisions of this Article.
- H. Should the Special Use Authorization not be in compliance at any time with any of the conditions specified by the Planning Commission and/or the building/use permit, then zoning enforcement action shall be taken to correct the violation(s). Unabated non-compliance may result in the matter being heard at a public hearing before the Planning Commission to either modify the Special Use Authorization or to revoke the Special Use Authorization approval.

1716.04 Appeal of Special Use Authorization Decisions

- A. The decision of the Planning Commission is deemed to be final County action on the issue unless that decision is appealed within 15-calendar days following the date of decision. Any appeal shall be submitted for review by the Board of Supervisors at a public hearing to be scheduled within 60- calendar days of receipt of the appeal. An appeal may be filed by the Applicant, by any other person aggrieved in any manner by the decision, or by the County Zoning Inspector, if the Inspector believes an error was made.
- C. Upon receipt of an appeal, the County Zoning Inspector or designee shall compile the record of the proceeding and submit this to the Board of Supervisors with the appeal documents.

The Board shall send to the appellant and the Special Use Authorization Applicant, if they differ, a notice of the designated date of the public hearing. The date of decision shall be not more than 90- calendar days following the submittal of the notice of appeal. Notice of such public hearing 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 Special Use Authorization(s) at least 15- calendar days prior to this hearing. Notice shall also be sent 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 1000-feet of the proposed area of the proposed Special Use Authorization request(s), if within Growth Categories A, B, or C, or within 1500-feet, if within a Category D area.

- D. Following its deliberations on the date of decision, the Board of Supervisors shall either affirm, reverse or modify the decision of the Planning Commission. The factual and legal basis for the decision shall be specifically stated by the Board. The Clerk shall record the basis for decision and shall provide a copy to the appellant, Special Use Authorization Applicant, and to the Planning Commission.
- E. If the Special Use Authorization request is approved, the County Zoning Inspector shall issue the permit, subject to all applicable conditions; provided, however, that if the Applicant does not accept in writing the conditions within 30- calendar days of approval, the permit shall be deemed null and void.

1716.05 Modifications of a Special Use Authorization Approval

- B. The property owner or Applicant to whom the Special Use Authorization approval was granted may request a modification of the approval in writing to the County Zoning Inspector along with the appropriate fee.
- D. If the requested change is substantial and is not within the general purview of the original notice or approval, then the matter shall be decided at a public hearing before the Planning Commission and notice given in like manner as the original Special Use Authorization request.

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 first class mail and given 15- calendar days from the date of mailing of notice to file a written protest

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with the County 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 be presented to the Planning Commission for a decision in the same manner as is used for a Special Use Authorization application and all further actions on this application shall proceed in the manner applicable to a Special Use Authorization application.

1717.05 Rental

Standard long-term rental of Accessory Living Quarters may be submitted to the Planning Commission as a Special Use Authorization application.

1717.06 Legal Non-Conforming Lots

Accessory Living Quarters are a permitted accessory use on substandard legal, non-conforming lots in Zoning Districts that permit Accessory Living Quarters subject to the applicable process.

1717.07 Action by the County Zoning Inspector

A permit for an Accessory Living Quarter may be issued by the County Zoning Inspector if no written protest is received or if the application has been approved by the Planning Commission and/or Board of Supervisors.

1719.01 Site Development Standards

With the exception of the off-street parking requirements for Bed and Breakfast Lodging listed in Article 18, this use shall be considered a single-household dwelling for the purposes of all Community Development Department ordinances and shall not be subject to non-residential site development standards

1719.04 Public Participation Process for Issuing Permits for a Bed and Breakfast Inn

An application shall comply with the following procedures to obtain permits for a Bed and Breakfast Inn in all residential and Rural (RU) Zoning Districts:

A. Applications

Applications for a Bed and Breakfast Inn shall be made on forms supplied by the Community Development Department and shall include all information required for processing a building or use permit, accompanied by the appropriate fee.

B. Notification of Surrounding Property Owners

Prior to issuance of a permit for the Bed and Breakfast Inn, property owners within 1000-feet of the subject property in Category A, B, or C Growth Areas, or 1,500-feet of the subject property in a Category D, Rural Area shall be notified by first class mail and given 15- calendar days from the date of the mailing of notice to file written protest with the County 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 the reasons why the application should not be approved. The protested application shall be presented to the Planning Commission for a decision in the same manner as is used for a Special Use Authorization application and all further actions on this application shall proceed in the manner applicable to a Special Use Authorization application.

C. Action by the County Zoning Inspector

A permit for a Bed and Breakfast Inn may be issued by the County Zoning Inspector if no written protest is received or if the application has been approved by the Planning Commission and/or Board of Supervisors.

1720.03 Particular Temporary Uses Permitted

- A. Contractor's Office, Security Dwelling, or Other Temporary Dwelling During Construction of a Building.

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3. Unless such use permit is renewed, such temporary use shall cease and desist upon the expiration of the previously approved building permit, or within 10-calendar days after completion of the construction work, whichever occurs first

B. Contractor's Construction Equipment Storage

3. Unless such use permit is renewed, such temporary use shall cease and desist upon the expiration of the previously approved building permit, or within 10-calendar days after completion of the construction work, whichever occurs first.

D. Carnival or Circus

1. Permitted in all Zoning Districts except: SR, SM, R, and MR, and RU in Neighborhood Conservation or Neighborhood Rehabilitation plan designations.
2. Maximum length of permit shall be 15-calendar days.

E. Christmas Tree Sales

1. Permitted in all Zoning Districts, except: SR, SM, R, MR, and RU districts in Neighborhood Conservation or Neighborhood Rehabilitation plan designations. Christmas tree sales are permitted in Planned Development Districts only in those areas designated on approved plans as neighborhood commercial centers.
2. Maximum length for display and open lot sales of Christmas trees shall be 45- calendar days. Unsold trees shall be removed from the site at the end of the 45- calendar day period.

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.
 - a. 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).

1720.04 Uses Requiring No Permit

The following temporary uses shall be permitted in any Zoning District (unless otherwise stated) and require no temporary use permit.

- I. Recycling Drop-Off Receptacle, accessory to an existing permitted non-residential use in a non-residential Zoning District, provided existing parking, loading zones, or driveways are not obstructed.

1804.02 Basic Requirement for Off-Street Parking

- E. Parking areas used for activities operating during hours of darkness shall be lighted and all lighting must comply with Article 16.

1804.05 Schedule of Required Off-Street Parking

EDUCATION/PUBLIC ASSEMBLY

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Grades K-8

1.5-per classroom

Recreational Facilities, Indoor and Outdoor

1-per 5-fixed seats or 1-per 5-persons at expected maximum capacity if seating is unfixed or a combination thereof

1804.06 Restrictions as to Location and Placement of Non-Residential Parking Areas on a Site

E. Access to Parking from an Alley

Any parking area may use an abutting alley for direct access to parking spaces. Developer may be required to improve the alley to the Cochise County, Highway & Floodplain, Road Design & Construction Standards & Specifications For Public Improvements.

1807.02 Location and Nature of Access Points to Streets

2. No use shall take direct permanent access onto an arterial street unless in conformance with the Cochise County, Highway & Floodplain, Road Design & Construction Standards & Specifications For Public Improvements.
3. Development of a site should not result in the placement of excessive drives or streets on that site with direct access onto an arterial street. Accordingly:

- a. If the site has more than 500-feet of frontage along an arterial street, it shall be entitled to one access point.

Additional access points may be approved by the County Engineer if the arterial street is County maintained and the additional access points comply with the Cochise County, Highway & Floodplain, Road Design & Construction Standards & Specifications For Public Improvements.

- b. If the site contains less than 500-feet of frontage along an arterial street, the property owner or his agent shall be required to enter into a sharing agreement of record with surrounding property owners.

The location or an alternative may be approved by the County Engineer if the arterial street is County maintained and the location or alternative comply with the Cochise County, Highway & Floodplain, Road Design & Construction Standards & Specifications For Public Improvements.

1811 Outdoor Storage

1811.01 Residential Uses

2. Construction Materials

In all areas, construction materials and equipment may be stored temporarily, provided that said materials/equipment are for on-site use pursuant to a current valid building permit. All building or construction materials and equipment shall be removed within 30-calendar days of completion of construction, issuance of a certificate of occupancy (where applicable), or expiration of the building permit, whichever occurs first. Construction debris shall not be permitted to scatter or blow onto another property.

1813.01 Existing Towers

A communication tower in existence prior to the effective date of the 1999 revised Zoning Regulations will not require a Special Use or building permit, if located in an applicable Zoning District.

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1813.03 Certification

- A. Affidavits will be provided to show conformance with all Federal Aviation Administration (FAA) requirements with regard to lighting and marking so as not to create a hazard to air navigation.
- B. Affidavits will be provided to show conformance with all Federal Communications Commission (FCC) technical emissions standards and licensing requirements, including radio frequency data.

1813.04 Setbacks

- A.
- B. Communication facilities must be setback from all parcel boundaries, lease boundaries and rights-of-way a distance equal to at least the height of the tallest structure in the facility, measuring from its base. No setbacks are required between communication facilities located on the same parcel.

1813.06 Maximum Height

In those Zoning Districts where communication towers are a permitted use, the towers shall be limited to the maximum allowable height of the Zoning District unless otherwise noted in that District. There shall be no limit to the requested maximum height of a tower seeking approval through the Special Use Authorization process.

1813.08 Removal of Abandoned Communication Facilities

Any facility that is not operated for a continuous period exceeding twelve months will be considered abandoned, and the owner of such facility will remove the structure(s) within 90-calendar days of receipt of notice from the County Zoning Inspector.

1817 Golf Courses

1817.01 Design

For all new golf courses and additions to existing golf courses, the area of irrigated grasses, the “turf area,” used for the greens, fairways, practice areas, borders and all other uses associated with the golf course, shall be limited. The total turf area of the golf course and associated uses shall be limited to an average of five-irrigated acres per golf hole. The maximum usage of water for irrigation purposes from sources other than groundwater (e.g., reclaimed wastewater, harvested rainwater, or an alternative water supply) will be considered as a positive factor towards compliance with water conservation requirements set forth within these Zoning Regulations. The Applicant must address the potential sources and impacts of the proposed use in a water availability report provided by the Applicant and approved by the County as part of the required Special Use Authorization application. Ponds, lakes, artificial watercourses and other types of water hazard areas shall be prohibited unless they are an integral component of the water reclamation or water harvesting being used for irrigation purposes. The golf course design shall reflect the natural topography and drainage ways of the site, and minimize the clearing of native vegetation.

1820.02 Protection of Existing Human Burial Sites and Cemeteries

- e. If the ASM is unable to approve or deny the Applicant's Preservation Plan or is unable to enter into a Burial Agreement with the Applicant within 90-calendar days of their receipt of the proposed Preservation Plan, it shall be deemed by the County Zoning Inspector that the ASM is unable to respond to the Applicant in a timely fashion. In such a case, the County Zoning Inspector shall be authorized by this Section to represent the ASM in all actions described by this Section. The County Zoning Inspector may approve or disapprove of a Preservation Plan and may enter into a Burial Agreement with the property owner. If the County Zoning Inspector does not approve or disapprove in writing of a Preservation Plan within 120-calendar days of submittal of the draft Plan to the ASM, the Plan shall be automatically deemed approved.

- D. Exception

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If an Applicant seeks to remove or build over the human remains on the property, the Applicant may apply for a Special Use Authorization, per the procedures stipulated in Article 17 of these Zoning Regulations, to allow a Mitigation Plan, approved by ASM or the County Zoning Inspector, that includes the provisions of removal of the human remains or of the “capping”, or burial-in-place, of the remains and development adjacent to and/or above the site. The Applicant shall satisfactorily demonstrate to the Planning Commission that such treatment of the resource would provide a more suitable or effective method or means of preserving or honoring the remains.

4. Burial-in-place. If the Applicant's Mitigation Plan includes burial-in-place, the Planning Commission may grant a Special Use Authorization that would allow the Applicant to build over the human remains site, provided that the Applicant submits, at a minimum, the following:

1821 Wind Energy Systems

The following site development standards shall apply for the permitting, construction and operation of Wind Energy Systems:

1821.01 Zoning Districts

Wind Energy Systems are permitted as Accessory Uses in all Zoning District, subject to applicable site development standards listed below.

1821.02 Density Limits

One Wind Turbine shall be permitted on any parcel, or on contiguous parcels under the same ownership, of up to four-acres in size.

Two Wind Turbines shall be permitted on parcels larger than four-acres.

Proposals for more than two Wind Turbines on parcels larger than four-acres shall be allowed by Special Use Authorization only.

Roof-mounted vertical-axis systems featuring more than one Wind Turbine mounted on the same pole (axis) shall be counted as one turbine.

1821.03 Height Limits

Wind Turbines up to 45-feet in height are allowed as accessory structures on any parcel, provided that all site development standards can be met.

Wind Turbines greater than 45-feet in height shall be allowed as follows: Prior to issuance of a permit for the system, the Applicant shall submit a permit application to County staff, along with the appropriate fees. The County will notify property owners of the permit application. The notification will include a site plan reflecting the height and location of the turbine, and the procedure and requirements for submitting support or protest forms. The procedure for determining which property owners to notify shall be the same as in the Citizen Review process, per Article 22. The County shall provide a 15-calendar day comment period for responses. If the County receives no objection from any notified property owner, the permit application shall proceed in the manner applicable to a permitted accessory use permit application. Any written protest shall include the name and address of the person submitting the protest and reasons why the permit application should not be approved. Any protested permit application shall require Special Use Authorization by the Planning Commission. In such cases, the initial permit application materials submitted by the Applicant, as well as any responses from neighbors, shall serve as the Citizen Review Report for the Special Use Authorization application. If, in response to protesting neighbors, an Applicant decides to redesign the project, the Applicant shall submit a new Citizen Review report, and the permit application shall proceed as a Special Use Authorization application.

1821.04 Setbacks

EXHIBIT “A” R-16-01 Zoning Regulations Update

Setbacks from all property boundaries and road travel ways for Wind Turbines shall comply with the minimum setback requirements for the respective Zoning District or shall be equal to the height of the structure with turbine blades fully extended for free-standing Wind Turbines, plus 10-feet, whichever is greater.

Setbacks for roof-mounted Wind Turbines shall follow the Zoning District setback requirements or the fully-extended height of the turbine, whichever is greater.

This site development standard is intended to promote safety and minimize damage to property in the event that a turbine falls; it is not subject to Variances, Administrative or Planning Commission modification.

1821.05 Distance Between Structures

The distance between structures shall be equal to the fully-extended height of the structure, plus 10-feet, for freestanding Wind Turbines. The distance for roof-mounted Wind Turbines shall be equal to the Zoning District minimum structure separation distance or the fully-extended height of the turbine, whichever is greater.

1821.06 Noise Impacts

Noise generated by Wind Energy Systems system shall not exceed fifty-decibels (50 dBA), as measured from the nearest property line, except during short-term events including utility outages and severe wind storms.

1821.07 Lighting

Light fixtures or illumination of any kind shall not be allowed on Wind Energy Systems except as required by the Federal Aviation Administration (FAA).

1821.08 Signage

Signs of any type may not be attached to Wind Energy Systems. This does not include manufacturer's logos which may be part of the system when purchased, or emergency notification information.

1822 Wind Energy Power Plants

Wind Energy Power Plants are constructed primarily for the purpose of providing electricity to off-site consumers, and shall be allowed only in RU (in Category D Growth Areas), GB, LI, or HI Zoning Districts, by Special Use Authorization only. This does not include residual power returning to the grid provided by small scale systems which primarily provide on-site power, subject to Arizona Corporation Commission regulations. Site-specific conditions and/or project scope may require that Applicants provide drainage and soil reports, environmental assessments or environmental impact statements, visual impact analyses, and/or cultural resource assessments with their application.

The following site development standards shall apply for the permitting, construction and operation of Wind Energy Power Plants:

1822.01 Height Limits

Wind Energy Power Plants are exempt from height limits, per Article 20 (Height Exceptions) of the Zoning Regulations.

1822.02 Setbacks

Setbacks from all property boundaries and road travelways for Wind Energy Power Plants shall be equal to the height of the tallest structure with turbine blades fully extended for free-standing Wind Turbines, plus 10-feet.

Wind Turbines, components, and design features and other structures associated with the Wind Turbines must have a minimum setback of 1000-feet to any existing residence.

EXHIBIT “A” R-16-01 Zoning Regulations Update

This site development standard is intended to promote safety and minimize damage to property in the event that a turbine falls; it is not subject to Variances, Administrative or Planning Commission modification.

1822.03 Distance Between Structures

The distance between structures shall be equal to the fully-extended height of the structure, plus 10-feet, for freestanding Wind Turbines.

1822.04 Noise Impacts

Noise generated by Wind Energy Power Plant systems shall not exceed fifty-decibels (50 dBA), as measured from the nearest property line, except during short-term events including utility outages and severe wind storms.

1822.05 Lighting

Light fixtures or illumination of any kind shall not be allowed on Wind Energy Power Plants except as required by the Federal Aviation Administration (FAA).

1822.06 Signage

Signs of any type may not be attached to Wind Energy Power Plants. This does not include manufacturer's logos which may be part of the system when purchased, or emergency notification information.

1823 Solar Energy Systems

The following site development standards shall apply for the permitting, construction and operation of Solar Energy Systems:

1823.01 Zoning Districts

Solar Energy Systems are permitted as Accessory Uses in all Zoning Districts subject to applicable site development standards listed below.

1823.02 Height

Solar Energy Systems are exempt from height limits, per Article 20 (Height Exceptions) of the Zoning Regulations.

1823.03 Setbacks

Setbacks from all property boundaries and road travel ways for Solar Energy System arrays or pole-mounts shall comply with the minimum setback requirements for the respective Zoning District or shall equal the height of the tallest structure associated with the Solar Energy System, whichever is greater.

1823.04 Distance Between Structures

There shall be no minimum distance required between Solar Energy System components or design features and other structures on a property.

1824 Solar Energy Power Plants

Solar Energy Power Plants are constructed primarily for the purpose of providing electricity to off-site consumers, and shall be allowed as a Permitted Use in LI and HI and may be permitted in RU and GB Zoning Districts by Special Use Authorization only. They may also be approved as part of a PD or Master Development Plan. This does not include residual power returning to the grid provided by small scale systems which primarily provide on-site power, subject to Arizona Corporation Commission regulations. Site-specific conditions and/or project scope may require that Applicants provide drainage and soil reports, water budgets and conservation measures, environmental assessments or environmental impact statements, visual impact analyses and/or cultural resources assessments with their application.

EXHIBIT “A” R-16-01 Zoning Regulations Update

The following site development standards shall apply for the permitting, construction and operation of Solar Energy Power Plants:

1824.01 Height

Solar Energy Power Plants are exempt from height limits, per Article 20 (Height Exceptions) of the Zoning Regulations.

1824.02 Setbacks

Setbacks from all property boundaries and road travelways for Solar Energy Power Plants shall be, at minimum, twice the minimum setback requirement for the respective Zoning District or shall equal the height of the tallest structure, whichever is greater.

1824.03 Distance Between Structures

There shall be no minimum distance required between Solar Energy Power Plant components or design features and other structures on a property.

1825.01 Zoning Districts

Medical Marijuana Dispensaries, Medical Marijuana Dispensary Cultivation Facilities, Medical Marijuana Infusion Facilities, and Medical Marijuana Cultivation Facilities are allowed by Special Use Authorization in the Rural (RU-4, RU-10, RU-18, RU-36), General Business, Light, and Heavy Industry Zoning Districts.

1902.02 Removal of Certain Signs

- A. Any sign, including all supports, braces, guys, and anchors, existing on or after the effective date of these Zoning Regulations which no longer serves the purpose for which it was erected, shall be removed by the owner, agent, or person having the beneficial use of the property or building on which said sign is located, within 10-calendar days after written notification from the County Zoning Inspector. Upon failure to comply with such notice within the time specified, the County Zoning Inspector is hereby authorized to cause removal of such sign at the expense of the owner of the building or property on which such sign is located.

1903.06 No sign shall have moving or swinging parts, except that:

- B. Banners, pennants, or devices set in motion by the wind may be permitted as temporary signs for grand openings, open houses, and model home demonstrations for a period not to exceed 30-calendar days.

1907.02

B. DIGITAL SIGNS; one per site.

- 1. Permitted Structural Type: Ground Sign.
- 4. Setbacks: All Signs must have a minimum setback of 25-feet to property lines adjacent to a residential use or residential zoning district.
- 6. Limits on Change in Copy: any message must remain in place for at least four-seconds before changing to another message.
- 7. Limits on Type of Use: Permitted only for On-Site Permanent Signs, i.e., as a sign which directs attention to a business, profession, or activity conducted on the premises on which the sign is located.

1908.01 Billboard Sign

EXHIBIT “A” R-16-01 Zoning Regulations Update

A Billboard is a free-standing Off-Site Permanent Sign having an area of 300-square feet or more. A Billboard is considered a principal use. Billboards shall maintain the following setbacks and separation requirements:

Zoning Districts: RU, GB, LI, and HI by Special Use Authorization only

1908.03 Contractor's Sign; no permit required

A temporary sign designating the names of persons or firms engaged in construction or repair on the premises. A Contractor's Sign shall be removed within 10-calendar days after completion of work or upon expiration of building permit.

1908.04 Developer's Sign; no permit required

A temporary sign designating the use which will occupy the premises at some future date. Permitted for non-residential uses and multiple-household dwellings only. Developer's Signs shall be removed within 10-calendar days after opening of the use or upon expiration of the building permit.

1908.05 Digital Sign

A type of unshielded electronic display that can show programming, menus, information, advertising, and other messages. Digital signs are lighted and utilize technologies such as Liquid Crystal Display (LCD), Light Emitting Diodes (LED), plasma displays, or projected images to display content. In these Zoning Regulations, Digital Signs are a sub-category of On-Site Permanent Signs, but with special rules governing Digital Signs. (See Section 1907.02).

1908.07 Directory Sign

Any Sign listing all occupants of a parcel having multiple uses.

One per street frontage for sites having multiple uses, such as shopping centers, office complexes, and industrial parks, provided that no other Ground Sign occupies the premises, and subject to the following limitations:

Zoning Districts: RU, GB, LI, and HI

Structural Type: Ground Sign

Maximum Area: See Section 1907.02

Maximum Height: See Section 1907.02

Illumination: Permitted

1908.17 Off-Site Special Event Sign; no permit required

A temporary sign announcing special events (e.g. rodeos, fairs, grand openings, etc.), to occur on a site other than that on which the sign is located. Such signs, except Window Graphics occupying not more than 25-percent of the window area, shall be included in calculating the maximum aggregate sign area for the site. Each such sign shall be maintained for no more than 30-calendar days.

1908.19 On-Site Special Event Sign; no permit required

A temporary sign announcing special events (e.g. rodeos, fairs, grand openings, etc.) to take place on the premises on which the sign is located. Such signs, except grand opening signs and Window Graphics occupying not more than 25-percent of the window area, must be included in calculating the maximum aggregate sign area for the site. Each such sign shall be maintained for no more than 30-calendar days.

1908.20 Political Sign; no permit required

A temporary sign supporting a candidacy or position in any primary, special, or general election, subject to the following restrictions: Political signs shall be removed within 30-calendar days following the final election for that candidate or issue.

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1908.22 Real Estate Sign; no permit required

A temporary sign advertising the premises for lease, rent, or sale. Real Estate Signs shall be removed within 10-calendar days following lease, rent, or sale of the premises.

1908.27 Subdivision Development Sign; no permit required

A temporary sign advertising the sale of properties within a subdivision, to be removed within 10-calendar days following the sale of 100-percent of lots, or one year from the last sale of subdivision lots, whichever occurs first.

2002.03 Height Exceptions

Height regulations established elsewhere in these Zoning Regulations shall not apply to the following in any district: chimneys, flagpoles (but not higher than 10-feet above the height limitation for that Zoning District), parapet walls extending not more than four-feet above the height limit of the building, amateur radio and residential antennas and related structures, private windmills, Wind Energy Power Plants (See Article 18 for Wind Energy Systems height limits), anemometers, church spires, belfries, residential satellite dishes, cooling towers, water tanks, substation line-support towers, Solar Energy Systems and Solar Energy Power Plants.

2003.04 Expansion of a Nonconforming Use

4. That apartments, manufactured home parks, mobile home parks, and RV parks are considered residential uses, not commercial uses, as applied to this Article, and therefore not permitted to expand.

2101 Creation and Membership

A Board of Adjustment is hereby established in each supervisorial district of Cochise County. Each Board of Adjustment shall consist of three members, each of whom shall be a resident of the supervisorial district from which he is appointed. Appointments shall be made by the Board of Supervisors. Members shall serve without compensation except for reasonable travel expenses. No member of any Board of Adjustment shall be a member of the Cochise County Planning Commission, and no employee of said Planning Commission shall be appointed to a Board of Adjustment. The terms of the members of each Board of Adjustment first appointed shall be two, three, and four years; thereafter, each term shall be four years. Any member may be removed by the Board of Supervisors for neglect of duty, inefficiency, or misconduct in office, after a 10-calendar day written notice and public hearing thereon. A written statement of the reason for removal shall be filed with the Clerk of the Board of Supervisors. If a member moves from the supervisorial district from which he is appointed, his office shall at once become vacant. Vacancies shall be filled for the unexpired term of any member whose office has become vacant.

2103.01 Interpretations and Appeals of Interpretations

An appeal concerning interpretation or administration of these Zoning Regulations may be taken to the Board of Adjustment by any person aggrieved or affected by any decision of the County Zoning Inspector. Such appeal shall be taken within 30-calendar days by filing with the County Zoning Inspector a notice of appeal specifying the grounds therefore on forms provided by the Inspector. The County Zoning Inspector shall transmit to the Board of Adjustment all papers constituting the record of the action being appealed. Such appeal shall stay all proceedings in the matter being appealed, unless the County Zoning Inspector certifies to the Board of Adjustment that, by reason of the facts stated in the certificate, the stay would in his opinion cause imminent peril to life or property. In such case, proceedings shall not be stayed except by a restraining order granted by the Board of Adjustment or by a court of record. The Board of Adjustment shall fix a time for hearing the appeal and give notice thereof to the parties in interest and the public as set forth herein.

2103.02 Variances

Any decision of the Board of Adjustment allowing a Variance shall be considered for revocation by the Board of Adjustment if substantial construction, in accordance with the plans for which such Variance was granted, has not been initiated within 12-months of the date of approval, building permit issuance, or if judicial proceeding to review the Board of Adjustment's decision has been instituted, 12-months from the date of entry of the final order in such proceedings, including appeals. Additionally, if any of the conditions of the Variance approval are not complied with within 12-months or within the time period set by the Board, it shall be revoked after 30-calendar days notice to the owner and Applicant,

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unless a request for a review hearing before the Board of Adjustment is made by the Applicant within this 30-calendar day appeal period. The Board of Adjustment may grant reasonable extensions to the time limits upon a hearing pursuant to a timely written request by the Applicant.

2106 Hearings

Upon receipt of notice of appeal, application for a Variance or any other application properly invoking its jurisdiction, the Board of Adjustment shall schedule a public hearing to take place within a reasonable time frame established by the County Zoning Inspector. Public notice of every hearing shall be given not less than 15-calendar days prior to the hearing by publication of the notice at least once in a newspaper of general circulation in the County seat.

In the case of a Variance, the property shall also be posted in no less than two places not less than 10-calendar days in advance of the hearing. Notice shall also be mailed, via first class, to each real property owner, as shown on the last assessment of the property, within 300-feet of the proposed Variance

2109 Appeal of a Decision Made by the Board of Adjustment

Any person aggrieved by a decision of the Board of Adjustment may at any time within 30-calendar days of such decision appeal to the Superior Court, and the matter shall be heard in like manner as appeals from courts of justices of the peace.

2204 Amendments Initiated by Application

The Planning Director has established a schedule of cut-off dates when all required material must be submitted in order to place an amendment application on the agenda of a Planning Commission meeting. These dates are generally 45-calendar days in advance of the meeting to allow adequate time to meet legal notification requirements and to prepare a report on the proposed amendment.

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.

2206.09 After holding a public hearing, the Planning Commission shall make a recommendation on the proposed amendment and shall forward it to the Board of Supervisors for its action. If the Planning Commission has held a public hearing, the Board may adopt the recommendations of the Planning Commission through use of consent calendar without holding a second public hearing if there is no objection, request for a public hearing or other protest. If there is an objection, a request for a public hearing or a protest, the Board shall hold a public hearing thereon 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.

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.

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.