



COCHISE COUNTY

COMMUNITY DEVELOPMENT

"Public Programs...Personal Service"

MEMORANDUM

TO: Board of Supervisors
THROUGH: James E Vlahovich, County Administrator
FROM: Dora V. Flores, Zoning Administrator
FOR: Paul Esparza, AICP, Planning Director
SUBJECT: Docket R-16-01 (Zoning Regulations Updates)
DATE: May 23, 2016

I. PLANNING AND ZONING COMMISSION

On Wednesday, May 11, 2016, the Planning and Zoning Commission voted 6-0 unanimously to forward this Docket to the Board of Supervisors with a recommendation of approval.

II. BACKGROUND AND PROPOSED CHANGES

Docket R-16-01 is a resolution that proposes several revisions to the Cochise County Zoning Regulations, last revised and adopted on December 2nd of 2014 (Zoning Ordinance 14-10). Section 102.A.8 of the Cochise County Comprehensive Plan requires periodic review and updates to the Zoning Regulations to "reduce complexity, contradictions, and unnecessary regulations." The overall intent of the proposed revisions is to simplify and clarify the existing regulations. These proposed changes reflect the spirit of addressing issues in a timely manner and incorporates recent changes from the State of Arizona Department of Fire, Building and Life Safety, as well as clerical edits and amendments stemming from suggestions and comments received by Staff. A summary listing of the changes as well as the complete draft document (with additions and deletions shown) is included for consideration. The following is a brief review of the changes Staff is proposing:

Article 2, Definitions

- Verbiage revised throughout Zoning Regulation to reflect a Special Use is not a Permit but only Authorization to apply for a Permit. Changes include "Authorization" replacing "Permit" and added "Authorization" after "Special Use".
- **New Definition:**
 - o "Amateur Radio" added for clarification. These are not "Communication Equipment" such as antennas for cell towers.
- **Revised Definitions:**
 - o "Custom Butchering/Meat Curing Processing" the number of turkeys/birds was added to clarify how many can be processed/butchered.
 - o "Mobile Home, Rehabilitated" as only the AZ Dept of Fire, Building and Life Safety is only authorized to certify the rehabilitation of a mobile home.
 - o "Recreational Facilities, Indoor and/or Outdoor", all sections throughout regulations revised by rearranging verbiage, putting "Recreational Facilities" in front of "Indoor and/or Outdoor" as written in the definition.

- o “Residential Care Home and Institution”, decreased the number of persons to be cared for to comply with the 2012 International Building Code (IBC); from 10 to 6.
 - o “Retail Sales/Rentals”, verbiage added to the definition from “Retail Sales/Rental” uses throughout regulations for consistency.
 - o “Site Area, Minimum”, added language to clarify property given for benefit of the public such as State Highway or Multi-Use Paths would be included in the site area.
 - o “Wind Energy System”, added language to clarify these have density limits.
 - o “Winery Tasting Room”, added if principal winery is exempt; the tasting room shall be exempt as well.
- The word “calendar” has been added to all references to “days” in the entire regulations for clarification.

Article 6, Rural Zoning Districts, Section 606**Article 7, Residential Zoning Districts, Section 706****Article 17, Administration, Section 1704**

- Fence height revised from six feet up to seven feet before requiring a permit; to be equivalent to the 2012 IRC.

Article 6, Rural Zoning Districts, Section 604.03**Article 7, Residential Zoning Districts, Sections 703.04****Article 8, Single-Household/Manufactured Home Res. Zoning Dist, Sections 804.03****Article 9, Single-Household Residential Zoning Districts, Sections 904.03****Article 10, Multiple-Household Residential Zoning Districts, Section 1004.03****Article 11, Neighborhood Business Zoning District, Sections 1103.03****Article 12, General Business Zoning District, Section 1203.02****Article 13, Light Industry Zoning District, Section 1303.02****Article 14, Heavy Industry Zoning District, Section 1403.02**

- “Special Use setback language” Verbiage deleted throughout Z-Reg’s: Special Use requests often have existing structures and the impacts are normally the same as a structure with no Special Use. The Commission has consistently approved modifications for setbacks to allow structures to remain in place.

Article 7, Residential Zoning Districts, Sections 703.09 and 707.15**Article 8, Single-Household/Manufactured Home Res. Zoning Dist, Sections 803.09 and 806.14****Article 9, Single-Household Residential Zoning Districts, Sections 903.08 and 906.14****Article 10, Multiple-Household Residential Zoning Districts, Section 1006.11****Article 11, Neighborhood Business Zoning District, Sections 1106.17****Article 12, General Business Zoning District, Section 1205.15****Article 13, Light Industry Zoning District, Section 1305.07****Article 14, Heavy Industry Zoning District, Section 1405.05****Article 15, Planned Development Districts, Section 1502.51**

- “Unlighted” verbiage removed from permitted uses since it would be a Special Use if illuminated and non-compliant with the light pollution regulations, and “Lighted Outdoor Recreational Facilities” deleted since all zoning districts allow as Special Uses which would include “Lighted or Unlighted”.

Article 10, Multiple-Household Residential Zoning Districts

- **Section 1002.02**, added “MH-18” as it was eliminated in error sometime in the 1980’s. We currently have three parcels in the county with this Zoning.

- **Section 1003.06**, added “Recreational Facilities, Indoor and/or Outdoor, approved as part of a subdivision review process for subdivision residents and guest only”, this was the only residential zoning district not allowing this use to be approved as part of a subdivision review.

Article 12, General Business Zoning District

- **Section 1205.22**, added “Custom Butchering/Meat Curing/Processing with less than a 100-foot minimum setback.”, if over 100’ it is a permitted use.

Article 13, Light Industry Zoning District

- **Section 1305.04**, deleted “Slaughterhouse/Meat Packing Plants” as it is a duplicate, see section 1305.19.
- **Section 1302.46**, Solar Energy Power Plants, moved to Permitted Uses from Special Uses.

Article 14, Heavy Industry Zoning District

- **Section 1402.32**, deleted “Commercial Feedlots with 300-foot minimum setback” as it is a duplicate, see section 1402.11.
- **Section 1402.36, “Recreation Facilities, Indoor and/or Outdoor”**, moved here to Permitted Uses from Special Uses.
- **Section 1402.37, Solar Energy Power Plants**, moved to Permitted Uses from Special Uses.

Article 16 – Light Pollution: Changes include the following:

- **1602.03 Applicability**, added a date to give applicants a specific date instead of “effective date of this provision.
- **1602.04 Special Use Authorization Requirements**, moved the language from 1610.01 and .02 and inserted here to have all requirements for Special Uses in one section.
- **1603 Definitions**, revised “Sign, Digital”, to clarify it is unshielded and deleted animated and flashing since they are not allowed.
- **1607.04 Curfew**, deleted language regarding internally illuminated signs with an opaque background....it was leftover from previous revision, it should have been deleted previously.

Article 17, Administration

- **Section 1704, List of Exemptions for Single Family Residential Dwellings Only**
 - o 1704.F – added “not involving utility change” to clarify.
 - o 1704.I – added “unless supporting a surcharge or impounding Class I, II, or IIIA liquids” to be equivalent to 2012 IRC.
 - o 1704.V – added “Satellite dishes and residential antennas for wireless communications such as home internet service.
- **Section 1705, Application for Building/Use Permit**, 1705.08.L, added “Sight Triangle” to items required on a site plan for non-residential permits.
- **Section 1714, Building Use Permit Fee**, 1714.02, revised language to conform to current process, only for qualifying Rural Residential Owner-Builder Amendments.
- **Section 1715, Lot Development Administrative Modifications**, 1715.01, deleted “building code standards” as these cannot be modified.
- **Section 1716, Special Uses**, 1716.03, added language to allow the County Zoning Inspector to revoke a Special Use Authorization that has not met its conditions within the specified time without taking back to the Commission.
- **Section 1717, Procedures for Issuing Permits for Accessory Living Quarter**, 1717.05, language allowing a Special Use if ALQ was larger than allowed deleted as this is no longer applicable.

- **Section 1720, Temporary Uses (requiring no permit), 1720.04**, added “Recycling Drop-Off Receptacles”.

Article 18, Site Development Standards

- **Section’s 1804 and 1807, Off-Street Parking and Loading**, revised to clarify improvements are required per the Cochise County, Highway & Floodplain, Road Design & Construction Standards & Specifications For Public Improvements not the County Engineer.
- **Section 1813.01, Communication Facilities**, the entire “Co-location” section was deleted and replaced with “Existing Towers” as it seems the reports are excessive requirements and from the reports we have received we were unable to verify if the information was valid or not.
- **Section 1813.04.A, Communication Facilities -Setbacks**, entire section deleted to require all new towers be setback to meet the “fall zone”.
- **1821.06, Wind Energy Systems**, deleted “Building permit required”, verbiage unnecessary as these structures are not exempt from zoning nor building code requirements.
- **1822.02, Wind Energy Power Plants, Setbacks**, new language added to require Wind Turbines be setback a minimum of 1000-feet to any existing residence.
- **Section 1822.04, Wind Energy Power Plants, Construction**, deleted construction information and replaced with “noise” restrictions to be consistent with Wind Energy Systems.
- **Section 1823.02, Solar Energy Systems, Parcel Size**, deleted “Parcel Size” as verbiage is unnecessary as Solar Energy Systems are accessory to permitted uses that meet site development standards.
- **Section 1823.06, Solar Energy Systems, Construction**, deleted “Building permit required”, verbiage unnecessary as these structures are not exempt from zoning nor building code requirements and National Electric Code language is in the adopted International Building Code.
- **Section 1824, Solar Energy Power Plants**, language deleted and revised to allow as Permitted Uses in LI and HI and as Special Uses in RU and GB in all Growth Categories.
- **Section 1824.01, Solar Energy Power Plants, Parcel Size**, language deleted as Solar Power Plants should meet the minimum parcel requirement of the zoning district in which it is located.
- **Section 1824.05, Solar Energy Power Plants, Construction**, language, deleted “Building permit required”, verbiage unnecessary as these structures are not exempt from zoning nor building code requirements.

Article 19, Sign Code

- **Section 1907.02, Digital Signs**, added “one per site” to clarify how many digital signs are allowed per site, changed light fixture to sign for setbacks for digital signs; and revised, change in copy for digital signs to four seconds from five minutes, this is the industry standard.
- **Section 1908.07, Directory Sign**, should have been revised with update in 2013, added RU-4 and permissible sizes.

Article 20, Exemptions, Exceptions and Nonconformances, Section 2002.03, Revised height exceptions to reflect Wind Energy Power Plants are exempt from height, not the Wind Energy Systems.

III. SUMMARY AND RECOMMENDATION

Staff previously indicated that minor edits and corrections would be addressed in a timely manner. The updates and edits included in these proposed text amendments clarify and simplify the existing zoning regulations. Staff is requesting that the Board consider approving the changes as presented.

Sample Motion: *Chairman Supervisor, I move to approve Docket 16-01 as proposed.*

IV. ATTACHMENTS

- A. Exhibit A (proposed revisions to the Zoning Regulations)