



Cochise County
Community Development
Planning, Zoning and Building Safety Division

Public Programs...Personal Service
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MEMORANDUM

TO: Cochise County Board of Supervisors
FROM: Robert Kirschmann, Planner II
Peter Gardner, Planner I
FOR: Paul Esparza, AICP, Planning Director
SUBJECT: Public Hearing, Docket R-17-01 (Zoning Regulations Update)
DATE: March 28, 2017

I. BACKGROUND AND PROPOSED CHANGES

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 assure compliance with recent changes to state law while simplifying and clarifying the existing regulations. These proposed changes reflect the spirit of addressing issues in a timely manner and incorporates the required changes as well as clerical edits and amendments stemming from suggestions and comments received by Staff.

The Planning and Zoning Commission held a study session on February 8, 2017 and a public hearing on March 8, 2017. At the public hearing the Commission voted 7-0 to forward Docket R-17-01 with a recommendation of approval to the Board of Supervisors.

A study session was held with the Board of Supervisors on March 14, 2017

There are five areas of changes proposed:

- Bed and Breakfast
- Winery Tasting Rooms
- Permit Extensions
- Clear Sight Triangles
- Feather/Harpoon Signs

Bed and Breakfast (Section 1719)

Recent changes in state law necessitate updating the Zoning Regulations pertaining to bed and breakfast uses. Arizona Revised Statutes Section 11-269-17 imposes limitations on how a county can regulate short term rentals. Under the statute the county is not allowed to prohibit or require additional permits for vacation rentals or short term rentals. Further, the county may only regulate the public health and safety aspect of the use. This can include fire and building code enforcement, health and sanitation and transportation/traffic control.

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Due to these changes Planning Commission recommends eliminating the requirements and replace with:

Bed and Breakfast- Any individually or collectively owned Single Family or one to four family dwelling house, dwelling unit, or portion thereof, or any units or group of units in a condominium, cooperative, or timeshare, offered for transient lodging. No permit is required for these uses.

The existing definition of Guest Lodging will cover everything not considered a bed and breakfast use.

Proposed amended language with track changes is included as Exhibit A.

Winery Tasting Room (Section 203)

The purpose of this change is to further clarify the regulations as to when a wine tasting room is exempt.

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 use, including vineyards, is exempt then the tasting room shall be exempt as well. A wine tasting room may also include incidental retail sales of wine and related products.

The proposed amended language with track changes is included as Exhibit A.

Permit Extensions (Section 1709)

The adopted building code establishes extensions of time for building permits. The intent of the change is to simplify the regulations, and revises the Zoning Code to reflect the requirements contained in the Building Code.

The proposed amended language with track changes is included as Exhibit A.

Sight Distance Triangles (Section 1807.06)

Zoning Code Section 1807.06 establishes what a sight distance triangle is and provides an example on how to determine required clear zones. The intention of this update is to bring the requirements up to current MUTCD standards (Manual of Uniform Traffic Control Devices) for clear zones, simplify the instructions and provide a better illustration of the sight distance triangle.

The proposed amended language is included in Exhibit A.

Feather/Harpoon Flags

The Community has expressed interest in allowing additional signage opportunities within the county, specifically feather or harpoon flags. Current regulations (Section 1903.06B) only allows devices which are set in motion by the wind to be permitted as a temporary sign and limited to grand openings, open houses and shall not exceed 30 days.

After discussion the following changes to Section 1903.06 is proposed:

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

- A. The rotation of barber poles, permissible changing signs and/or multi-prism signs is permitted, provided that rotations shall not exceed six-revolutions per minute; and
- 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 14-calendar days each quarter (See Section 1908.34)

The following Section is proposed to provide standards for feather and harpoon signs:

1908.34 On-Site feather, harpoon sign; no permit required

A specific type of sign which provides a message to the general public, typically advertising a business.

Zoning Districts: RU, MR-1, MR-2, NB, GB, LI, and HI

Structural Type: Ground Sign

Maximum Area: 32-square feet

Maximum Height: 15 feet

Illumination: None

Maximum Number: 2 per tenant up to 20,000 square feet, 4 per tenant over 20,000 square feet

Setback: The height of the sign, or 10 feet whichever is greater

Separation: Signs shall be separated from other signs by a minimum of 50 feet

Every jurisdiction has unique regulations or interpretations of their regulations. Some jurisdictions chose to not allow these types of signs at all. Some will allow the signs with permits, while others require no permits. Many jurisdictions codes are silent on the issue. Exhibit B includes several excerpts from other cities and counties that have regulations for the feather flags. Exhibit C is a spreadsheet attempting to demonstrate the varied methods applied by some jurisdictions.

II. SUMMARY AND RECOMMENDATION

The updates and edits included in these proposed text amendments ensure compliance with recent changes in state law and 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.*

III. ATTACHMENTS

- A. Exhibit A (proposed revisions to the Zoning Regulations)
- B. Exhibit B, Excerpts from other cities and counties sign regulations
- C. Exhibit C, Spreadsheet comparing jurisdictions
- D. Exhibit D, Zoning Ordinance