



Cochise County
Community Development
Planning, Zoning and Building Safety Division

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MEMORANDUM

TO: Cochise County Planning and Zoning Commission
FROM: Christine McLachlan, AICP, Planner II
FOR: Daniel Coxworth, AICP, Development Services Director
SUBJECT: Docket R-20-04 (Zoning Amendment, Permit Timeframes)
DATE: June 29, 2020 for the July 8, 2020 meeting

I. BACKGROUND AND PROPOSED CHANGES

Docket R-20-04 is a proposed amendment to the Cochise County Zoning Regulations Article 17, Administration. Specifically, this amendment will adjust requirements contained in Section 1709.02-03 (Final Inspection Requirements and Time Limits), 1714.02 (Combined Permit Fees), and 1720.03 (Particular Temporary Uses Permitted). Section 1709 directly addresses the amount of time a permit is considered valid; Section 1714 is a combination of fee for waiver for select applications, while Section 1720 permits temporary on-site dwelling during construction.

Staff recommends changes to these sections in order to:

- Provide consistency/reduced conflict between the requirements Cochise County Zoning Regulations and the 2012 International Building Code.
- Eliminate a non-equitable combined permit provision.
- Increase consistency and clarity within the Zoning Regulations regarding permit timeframes and how timeframes can be extended or renewed.
- Encourage completion of work associated with permits.

The following memo provides a detailed account of each section associated with this amendment, the rationales for change and all proposed changes in strike-through and underline format.

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1709 Final Inspection Requirements and Time Limits

~~**1709.02** Any building/use permit issued shall be valid without renewal, for a period of 24 months; however, the County Zoning Inspector may, upon written request of the permittee prior to the expiration of the permit, extend the time limit for the permit once for an additional 12 months provided substantial progress has been made. (Note: On-site septic/sewage treatment disposal systems permits are only valid for 2 years and cannot be extended per the Arizona Administrative Code.) The request for the extension must be in writing and include the parcel number, reason for the request, construction completion schedule, and applicable extension fees. Further extensions shall be granted in accordance with the adopted Building Code. Any work done after that time will require a new permit with all associated fees and requirements. shall be deemed to have been abandoned 180 days after the date of filing, unless such application has been pursued in good faith or a permit has been issued; except that the zoning official is authorized to grant one or more extensions of time for additional periods not exceeding 90 days each. Justifiable cause must be demonstrated in writing. (Note: On-site septic/sewage treatment disposal systems permits are only valid for 2-years and cannot be extended per the Arizona Administrative Code.)~~

~~**1709.03** Any building permit issued under the Owner Builder Rural Residential amendment shall be valid, without renewal, for a maximum period of 36 months; however, the County Zoning Inspector may, upon written request of the permittee, extend the time limit for the permit once for an additional 12 months provided substantial progress has been made.~~

Rationale of Change:

- 1. Building permits, and their associated timeframes, are generally regulated by a jurisdiction's adopted building code. Currently, in Cochise County, all structures and their means of construction are regulated by the 2012 International Building Code. Zoning Regulations, on the other hand, are intended to regulate how land can be used in order to promote the greatest degree of compatibility possible among uses. At this time, there are conflicting statements regarding Section 1709.02 and 1709.03 within the Zoning Regulations and Building Code. The proposed changes are consistent with the language contained in the Building Code and would eliminate this inconsistency.*
- 2. The shorter timeframes included in the Building Code are favored in this case. Longer timeframes can make permits more difficult for staff to track and enforce. Also, over extended periods, site conditions and/or regulations may change. Finally, job completion associated with permits benefits everyone. Longer timeframe windows can lead to, or in the very least, are associated with, lower rates of job completion.*

1714 Building/Use Permit Fee

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.~~

1714.03 1714.02 Building/Use Permit Fee Surcharge

Wherever substantial construction on a site requiring a building/use permit has begun prior to issuance of an approved building/use permit or mobile/manufactured home placed on a property prior to issuance of an approved permit, the Applicant shall be subject to a surcharge added to the applicable fee; thereby increasing the total building/use permit as set forth in the adopted Planning and Zoning Fee Schedule.

Rationale of Change:

- 1. Cochise County is one of a minority of places within the country that allows applicable owner-builder residential construction an exemption from paying for, and benefiting from, County building inspections. Section 1714.02 additionally allows permit exemptions for all on-site accessory structures. Because all other more traditional residential permit applications require separate permitting and inspections for accessory structures, this seems like an inequitable application of incentives for the owner-builder resolution and a possible over-reach of the original policy, where accessory uses were not discussed or contemplated by the Board.*
- 2. Accessory uses can have significant impact on neighboring parcels. To give one example, in 2019, wall permitting requirements were amended to address possible exacerbation of flooding that walls can cause on adjacent parcels, particularly when located within a floodplain. It seems reasonable that all parcels should be subject to the same permitting and inspection requirements regarding wall construction, however, under this provision owner-builders would not be.*

1720.03 Particular Temporary Uses Permitted

Upon obtaining a temporary use permit, the following temporary uses shall be permitted, subject to the following standards and/or other standards imposed by the County Zoning Inspector to mitigate off-site impacts:

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

Temporary buildings, manufactured homes, and recreational vehicles used in conjunction with construction work only during the period of such construction, subject to the following:

1. Permitted in all Zoning Districts.
2. Any use permit approved for such temporary building, manufactured home or recreational vehicle shall be limited to a period of time ~~not to exceed 1 year from the date of such approval; said permit may be renewed for like periods thereafter as approved by the County Zoning Inspector upon receipt of satisfactory evidence indicating that the need for such temporary use continues to exist.~~ in which there is evidence of construction work, in the form of an active building permit on the parcel where the temporary use is granted. The zoning official is authorized to grant one or more extensions of time for additional periods not exceeding 90 days each. Justifiable cause must be demonstrated in writing prior to the expiration of the permit.
3. Unless the use permit is renewed, such temporary building, manufactured home, or recreational vehicle shall be removed from the property upon the expiration of the previously approved use permit or within 10-calendar days after completion of the construction work, whichever occurs first.

Rationale of Change:

1. *A temporary use that is only allowed in conjunction with construction activity should have an identical timeframe. This is because, when the construction is concluded, the temporary housing should no longer be necessary.*
2. *Amendment provides a clearer definition of “period of construction,” limiting it parcels where there is an active building permit. This addition will aid staff tracking and enforcement.*

II. SUMMARY AND RECOMMENDATION

Staff has attached draft regulations for Planning Commission consideration in strike-through and underline format. Staff will also provide a presentation of the draft amendments at the July 8, 2020 meeting. The proposed changes would amend Article 17 of the Cochise County Zoning Regulations as indicated in the body and the attachment to this report. Staff is requesting that the Commission forward the attached document to the Board of Supervisors with a recommendation for approval.

Sample Motion: *Mr. Chairman, I move to forward Docket R-20-04 with a recommendation of approval/denial to the Board of Supervisors.*

III. ATTACHMENTS

Exhibit “A,” Draft Amendments to the Cochise County Zoning Regulations in strike-through and underline.

ARTICLE 17

ADMINISTRATION

1709 Final Inspection Requirements and Time Limits

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1714 Building/Use Permit Fee

1714.01 Each building/use permit application shall be accompanied by payment to the "Cochise County Treasurer" of fees in accordance with the adopted Planning and Zoning Fee Schedule. All applications for fee waivers must be approved by the Board of Supervisors.

~~**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.~~

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