

ZONING ORDINANCE 21__

AN ORDINANCE OF THE BOARD OF SUPERVISORS OF COCHISE COUNTY, ARIZONA AMENDING ARTICLE 2 (DEFINITIONS) AND ARTICLE 1717 (PROCEDURES FOR ISSUING PERMITS FOR AN ACCESSORY LIVING QUARTER) OF THE COCHISE COUNTY ZONING REGULATIONS

WHEREAS, Arizona Revised Statutes (“A.R.S.”) §§ 11-811, *et seq.* gives the Cochise County Board of Supervisors (the “Board”) the authority to adopt zoning regulations to address land use; and

WHEREAS, the Board originally adopted Zoning Regulations in Cochise County, pursuant to that authority in 1975, and has with periodic modification, maintained them in effect since that time; and

WHEREAS, the Board recognizes that amendments to the Zoning Regulations can affect countywide land use patterns and therefore, warrants careful consideration of regional impacts; and

WHEREAS, Article 2 of the Zoning Regulations clarifies the meaning of any term used within the Zoning Regulations for which the common definition may not serve the purpose of the Zoning Regulations, or which is not a commonly used term outside of the context of these Zoning Regulations; and

WHEREAS, Article 1717 of the Zoning Regulations includes the procedures for issuing permits for an Accessory Living Quarter (ALQ); and

WHEREAS, the Board recognizes the general purpose of this amendment is to amend the definitions associated with accessory structures and accessory living quarters, altering the development standards for accessory living quarters, as well as simplifying the process for obtaining an accessory living quarter permit; and

WHEREAS, on May 12, 2021, the Planning and Zoning Commission held a duly noticed public hearing on the proposed amendments to the Zoning Regulations, hereby known as Docket R-21-02, and attached hereto as Exhibit A; and

WHEREAS, on June 8, 2021, the Board of Supervisors held a duly noticed public hearing of the proposed amendments to the Zoning Regulation, Docket R-21-02 attached hereto as “Exhibit A” that will amend Article 2 and Article 1717 of the Cochise County Zoning Regulations and found them to be in the public interest.

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R-21-02 Accessory Living Quarters
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NOW, THEREFORE, BE IT RESOLVED THAT by the Board of Supervisors of Cochise County, Arizona that the Cochise County Zoning Regulations shall be amended as contained in "Exhibit A," attached hereto.

PASSED AND ADOPTED BY THE BOARD OF SUPERVISORS OF COCHISE COUNTY, ARIZONA, THIS 8th DAY OF JUNE 2021.

Ann English, Chair
Cochise County Board of Supervisors

ATTEST:

APPROVED AS TO FORM:

Kim Lemons, CPCC
Clerk of the Board

Paul Correa, Esq.
Civil Deputy County Attorney

EXHIBIT "A"

203 Definitions

Accessory Living Quarters (ALQ) – An attached or detached residential dwelling 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. that may provide complete independent living facilities for one or more persons, including provisions for living, sleeping, eating, cooking, and sanitation on the same parcel where the primary single-family dwelling is situated.

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

~~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.~~

~~Special Use Authorization is required to rent an Accessory Living Quarter separately from the main residence or any use for commercial purposes other than a Home Occupation. Only parcels zoned Rural may have separate address or separate utility meters for an Accessory Living Quarter. Special Use Authorization is required to allow a separate address or separate utility meters in all other Zoning Categories.~~

Accessory Structures or Uses - Structures or uses on the same site and ~~of a nature~~ customarily incidental and subordinate in ~~size~~, impact, and purpose to the principal structures or uses. Accessory structures or uses shall observe all site development standards required of the principal structure or use, except as otherwise specified within these Zoning Regulations. Structures attached to the principal structure shall be considered a part of that principal structure. Accessory structures shall not be used for dwelling purposes.

~~**Guesthouse** – See definition of Accessory Living Quarter.~~

1717 Procedures for Issuing Permits for an Accessory Living Quarter (ALQ)

An application shall comply with the following procedures to obtain permits for Accessory Living Quarters:

1717.01 Purpose

The purpose of this section of the Zoning Regulations is to provide development standards and approval procedures for Accessory Living Quarters in a manner that increases housing options and affordability, while preserving the character of residential and rural districts.

1717.02 Applicability

Accessory Living Quarters are allowed where listed as a permitted accessory use.

1717.03 Development Standards

Approval of Accessory Living Quarters shall require compliance with the following standards:

- A. ALQs must be equal to or lesser in height than the existing principal dwelling.
- B. ALQs are limited in size to a maximum of 50% of the livable square footage of the principal dwelling or 1,000 square feet, whichever is less.

1717.04 Restrictions

- A. No more than one ALQ per lot or parcel
- B. No more than one kitchen per unit (detached living structures)
- C. ALQs shall not be subdivided or otherwise segregated in ownership from the principal dwelling unit.
- D. Shall not have a separate address or mailbox from the principal dwelling.
- E. Recreational vehicles, railroad cars and camper shells are not permitted for use as an ALQ in any zoning district
- F. Manufactured homes and rehabilitated mobile homes may be permitted as an ALQ only in those Zoning Districts where they are a permitted use

1717.05 Special Use Authorization Required

- A. Long-term rental or lease of an ALQ separately from the primary residence.
- B. Use an ALQ for commercial purposes, or for any use other than a permitted home occupation.
- C. Any deviation from the development standards contained in this section.

1717.06 Application Submittals

- A. A properly completed and filled out Accessory Living Quarter application to the Cochise County Development Services Department

- B. Processing fee
- C. Plot plan and narrative illustrating conformance with the development standards for ALQs.

1717.01 Applications

~~Applications for an Accessory Living Quarter shall be made on forms supplied by the Community Development Department and shall include a concept or site plan showing all structures, including the proposed Accessory Living Quarter.~~

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 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.~~

1717.03 1717.07 Occupancy

The owner of the parcel shall live either in the primary dwelling or Accessory Living Quarters as their primary residence.

1717.04 Recordation of Notice

~~The Applicant shall sign and the County Zoning Inspector shall record a notice prior to the issuance of a permit for an Accessory Living Quarters that specifically identifies the location of the property, indicates that the subject structure is an Accessory Living Quarter, and stated that the property owner or tenant has agreed to comply with all County Zoning Regulations applicable to Accessory Living Quarters.~~

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 1717.08 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 1717.09 Action by the County Zoning Inspector and Appeal

~~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. The County Zoning Inspector shall review all complete ALQ applications to determine compliance with the Zoning Regulations. Following this review, a permit for an Accessory Living Quarter may be issued by the County Zoning Inspector. The County Zoning Inspector shall approve, conditionally approve, or deny the application. If the permit application is denied, 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.~~