

COCHISE COUNTY

**Amendment to the
Cochise County Zoning Regulations
Accessory Living Quarters (R-21-02)**

Planning and Zoning Commission

May 12, 2021

Cochise County
Development Services



Public Programs...Personal Service

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Details of Proposed Changes

See Exhibit A for strike-through (deletion) and underline (addition)

Zoning Regulations

- Article 2 (Definitions): Amend “Accessory Living Quarters,” “Accessory Structures or Uses” and “Guesthouse” definitions
- Section 1717 Procedures for Issuing Permits for an Accessory Living Quarter



What are Accessory Living Quarters? (Current Definition)

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.

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.

 **Development Standard**

 **Restriction**

 **Procedure**



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Proposed Definition

Accessory Living Quarter (ALQ) – An attached or detached residential dwelling structure 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.



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Accessory Structures and Uses and Guesthouses

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.~~



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Section 1717 Procedures for Issuing Permits for an Accessory Living Quarter (ALQ), What's different?

1. Better Organization – all development standards, restrictions, and procedural requirements in one place. Also, purpose and applicability statements added for consistency.
2. Development Standards – more specificity. The requirements for “incidental and subordinate” replaced with (A) equal to or lesser in height than the existing principal dwelling and (B) maximum of 50% of the livable square footage of the principal dwelling or 1,000 square feet, whichever is less.
3. Restrictions – in order to assure common ownership, **all** ALQs shall not have a separate address or mailbox from principal dwelling (proposed). Currently, common metering and addressing is required **except for** ALQs with rural zoning.



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Section 1717 Procedures for Issuing Permits for an Accessory Living Quarter (ALQ), What's different?

4. Process –

- (Current) All property owners within 300 feet are notified by mail of the ALQ application. They are provided a 15-day window to file a written protest. If a written protest is received, special use authorization is required for permit issuance.
- (Proposed) Administrative approval for applications that comply with zoning regulations.



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Section 1717 Procedures for Issuing Permits for an Accessory Living Quarter (ALQ), What's different?

5. Special Use Authorization Required

A. Current

- If written protest is received from adjacent property owners.
- To permit standard long-term rental of the ALQ.
- Use of the ALQ for commercial purposes other than a Home Occupation.
- To allow a separate address or separate utility meters in all other Zoning Categories other than rural.

B. Proposed

- To permit standard long-term rental of the ALQ.
- Use of the ALQ for commercial purposes other than a Home Occupation.
- Any deviation from the development standards contained in this section.



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Section 1717 Procedures for Issuing Permits for an Accessory Living Quarter (ALQ), What's different?

6. Action by the County Zoning Inspector and Appeal

- A. Current – “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 administrative role is unspecified
 - No appeal process provided
- B. Proposed – “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 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.”
- Administrative role specified – planners review applications to determine compliance with regulations
 - Appeal process provided – if the permit is denied, it can be appealed to the BOA



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Request and Sample Motion

Staff is requesting that the Commission forward Docket R-21-02 (ALQ) to the Board of Supervisors with a recommendation of approval.

Sample Motion: *Mr. Chairman, I move to forward Docket R-21-02 (ALQ) with a recommendation of approval to the Board of Supervisors.*

