



Cochise County
Community Development
Planning, Zoning and Building Safety Division
Public Programs...Personal Service
www.cochise.az.gov

MEMORANDUM

TO: Planning & Zoning Commission
FROM: Dan Coxworth, AICP, Development Services Director
SUBJECT: Docket R-21-04 (Zoning Regulation Amendments Associated with the Building Code Update)
DATE: June 9, 2021

I. PROPOSED CHANGES

Docket R-21-04 is a proposed amendment to the Cochise County Zoning Regulations Article 17, Administration and Article 18, Site Development Standards. This amendment to the Zoning Regulations will:

1. Amend Section 1704 Building/Use Permit Required
2. Amend Section 1705 Application for Building/Use Permit
3. Remove Sections 1709.02 and 1709.03
4. Remove Section 1714.02 Combined Permit Fees
5. Amend Section 1720.03 Particular Temporary Uses Permitted
6. Amend Section 1816 Swimming Pools
7. Amend Section 1819.02 Water Conservation Measures – Sierra Vista Sub-watershed Overlay Zone

Development Services is also updating the County's Adopted building code from 2012 to 2015. The Building Code Advisory Committee is reviewing the changes and making a recommendation to the Board of Supervisors. For consideration by the Planning & Zoning Commission, the changes below essentially amends or removes sections of the Zoning Regulations regulated by the building code.

1. Amend Section 1704 Building/Use Permit Required

1704.01 It shall be unlawful to erect, construct, reconstruct, alter or use any structure or building without first obtaining a building/use permit from the County Zoning Inspector; ~~except that no building/use permit shall be required for any repairs or improvements of a value not exceeding \$1,000 dollars (market value labor and materials or actual receipts for cost of materials can be provided) except that those items listed* in this section below are completely exempted from permit requirements for single family residential dwellings only.~~ for any work exempt from permit by the County's adopted Building and Electrical Codes. Exemption from permit

Planning, Zoning and Building Safety
1415 Melody Lane, Building F
Bisbee, Arizona 85603
520-432-9300
520-432-9278 fax
planningandzoning@cochise.az.gov

requirements of those codes shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this code or any other laws or ordinances of this jurisdiction.

1704.04 Uses determined to be exempt under Article 20 which require review by the Health or Highway and Floodplain Department shall be required to file for an Informational Permit pursuant to this Article. This includes the following:

A. Wood, concrete block or wire fences, if any of the following applies:

1. Greater than 7 feet in height;
2. Located on a corner lot and greater than 3 feet in height;
3. Located within a designated FEMA Flood Hazard Area; and/or
4. Located within a designated wash

B. New Family Cemeteries

~~*List Of Exemptions From Permit Requirements For Single Family Residential Dwellings Only~~

~~A. Re-roofing (when no structural changes are proposed or any reinforcement is required to add heavier roofing materials), re-siding or replacement of exterior trim.~~

~~B. Replacing or adding gutters or downspouts.~~

~~C. Replacing or adding soffit, gable, or roof ventilation.~~

~~D. Replacing existing windows or doors with no structural changes.~~

~~E. Decks less than 30 inches in height above the lowest grade within 5 feet of deck edge.~~

~~F. Replacing like for like or repairing existing plumbing fixtures such as toilet, tub, sink, garbage disposal, water heater, or faucets.~~

~~G. Replacing existing appliances or internal light fixtures.~~

~~H. Replacing like for like or repairing existing furnace, air conditioner, cooler, heat pump, or heater.~~

~~I. General landscaping including lawn sprinkler systems, subject to water conservation requirements, and retaining walls up to 4 feet in height.~~

~~J. Installation of low voltage wiring for security alarm systems.~~

~~K. Flooring of wood, vinyl, ceramic, stone, masonry or carpeting.~~

~~L. Installation or removal of non-structural interior wall partitions, if no utilities are involved.~~

~~M. Adding or replacing insulation in walls, floors, or ceilings.~~

~~N. Wood, concrete block or wire fences up to seven feet high. If any of the following applies an informational permit is required:~~

- ~~1. Located on a corner lot and greater than 3 feet in height;~~
- ~~2. Located within a designated FEMA Flood Hazard Area;~~
- ~~3. Located within a designated wash.~~

~~O. Painting, interior or exterior, and wallpapering.~~

~~P. Concrete walkways, not in County right of way, and patio slabs.~~

~~Q. Replacing cabinets or countertops.~~

~~R. Window awnings supported by an exterior wall which do not project more than 54 inches.~~

~~S. Swings and other playground equipment accessory to a single family dwelling.~~

~~T. Water Tanks supported directly on grade if the capacity does not exceed 5,000 gallons and the ratio of height to diameter or width does not exceed 2:1.~~

~~U. One-story detached accessory structures provided the floor area does not exceed 200 square feet and has no utilities. Floodplain regulations may apply.~~

~~V. Satellite dishes and residential antennas for wireless communications.~~

Most of the above exemptions are exempted by the building code. When the building code does not list any of the above as an exemption, the exemption will be listed as a local amendment to the building code.

2. Amend Section 1705 Application for Building/Use Permit

1705.08 If the application is for a non-residential use or multiple-household use, ~~a minimum of three (3) prints of the site plan shall be submitted, and~~ the following additional applicable information shall also be contained:

N. ~~Reduced copy (11" x 17") of the site plan, if the site plan is larger than that.~~

Cochise County no longer requires paper copies as all permits are submitted in digital format.

3. Remove Sections 1709.02 and 1709.03

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.~~

~~**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.~~

The expiration of permits is stipulated by the County's adopted building code, allowing construction to begin within 180 days after permit issuance and continuing until the building is complete as long as work authorized by the permit is not suspended or abandoned for a period of 180 days. The Building Official may grant an extension.

Removing Section 1709 removes the conflict with the adopted building code and the Zoning Regulations that stipulates building permits expire after two years (extensions are subject to the building code) or 36 months for a permit issued under the Owner-Builder Rural Residential amendment (one 12 month extension is permitted). Since normal building inspections are not conducted on a no inspection, owner-builder permit, the property owner will be required to provide progress of construction documentation, such as pictures or, if necessary, a site visit by a county inspector within 180 days of permit expiration.

4. Remove *Section 1714.02 Combined Permit Fees*

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.~~

Per Section 1714.02, an application for a permit qualifying for the Rural-Residential Owner-Builder may apply for a permit for a home and an unlimited number of accessory structures and a pool for the one flat permit fee of only the single-family dwelling.

Removing Section 1714.02 would require a permit fee for each structure or pool placed on the property. Each structure requires a separate building permit and associated processing by county staff. Removing Section 1714.02 allows the County to recoup the cost of processing and issuing the permit and associated inspections for each structure. Single-Family Residential Opt-out builders are assessed a flat \$157 fee (no inspection) or \$325 (limited inspection). Residential Accessory Opt-out buildings are assessed a flat \$147 fee (no inspection) or \$200 (limited inspection), which is, in most cases, represents a substantial saving over a traditional review and inspection-based permit.

5. Amend *Section 1720.03 Particular Temporary Uses Permitted*

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.~~ as an open building permit on the parcel where the temporary use is granted.
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 building use permit or within 10-calendar days after completion of the construction work. ~~whichever occurs first.~~

Amending Section 1720.03 is consistent and provides clarity for temporary uses needed in association with a building permit. A temporary use is allowed in conjunction with construction activity and have an identical timeframe. When the construction is concluded, the temporary structure or RV should no longer be necessary.

6. Amend Section 1816 Swimming Pools

1816 Swimming Pools

Swimming pools shall be permitted in all Zoning Districts, provided applicable site development standards in the individual Zoning District article have been met. For single-household dwelling sites, swimming pools may be allowed in the side or rear setback area provided the edge of a swimming pool shall be no closer than seven-feet to any property line. Every swimming pool shall demonstrate compliance with Arizona Revised Statutes and Appendix G of the International Residential Code (IRC) as adopted and amended by the County. Every swimming pool shall be enclosed by a fence or wall not less than five-feet in height which is constructed, gated, and locked as to discourage unauthorized entry to such pool. Pools shall be covered when not in used to minimize evaporation (see Section 1819, herein).

Amending Section 1816 removes an inaccurate reference to the adopted building code and referencing the building code is not necessary.

7. Amend Section 1819.02 Water Conservation Measures – Sierra Vista Sub-watershed Overlay Zone

1819.02 Water Conservation Measures – Sierra Vista Sub-watershed Overlay Zone

The following water conservation measures shall be required of all residential and non-residential properties in the Sierra Vista Sub-watershed, as defined by the Arizona Department of Water Resources and delineated on County maps and, when a building permit is required, be subject to plan review and inspections:

~~A. New Construction – Residential:~~

~~All interior plumbing in new residential construction, consisting of one to four units, attached or detached, shall meet the following requirements:~~

- ~~1. All toilets shall be WaterSense-labeled.~~
- ~~2. The installation of a pressure reducing valve (PRV) on the house side of the water meter, in an easily accessible location, shall be required for all new single family residences served by a water company. The preferred location is in the garage or other non-in-ground location. The static service pressure shall be set no higher than 60 pounds per square inch (psi), regardless of input pressure. New single family residences served by a well or well-share are not required to install the PRV.~~
- ~~3. Water softeners, if installed, must meet NSF/ANSI requirements.~~
- ~~4. Drinking water treatment systems, if installed, shall meet NSF/ANSI requirements (such systems shall yield at least 85 gallons of treated water per 100 gallons processed).~~
- ~~5. Hot water on demand: In new construction, a hot water system will be installed to provide hot water on demand at the point of use in sinks and baths/showers. All hot water fixtures shall be WaterSense labeled. Insulation for hot water pipe with a minimum thermal resistance (R-value) of R-4 shall be applied. Hot water~~

~~systems shall be designed and shall include such components as may be necessary to deliver hot water at each demand point with no more than 0.6 gallons (2.3 liters) of water delivered prior to the delivery of hot water. Systems that are activated based solely on a timer and/or temperature sensor do not meet this requirement.~~

~~6. Gray water plumbing: New residential construction shall have gray water line(s) plumbed to stub out, and to be capped and clearly marked so as to permit the optional use of gray water by residents. The gray water plumbing must connect at least two plumbing fixtures, and preferably those that produce the most gray water without compromising the efficient evacuation of the black water pipes.~~

~~B. New Construction—Commercial, Industrial, Multi-Family, and Public Development:~~

~~1. For all projects requiring urinals, they shall be waterless~~

~~2. All new commercial car wash facilities, including automobile dealerships, shall use water recycling systems which recycle a minimum of 75 percent of the water used. This requirement does not apply to small operation auto-detailers or similar uses.~~

~~3. Kitchens in which dishwashers are installed must use Energy Star® rated dishwashers.~~

~~4. Commercial Laundry Facilities: All laundry facilities intended for public use such as laundromats, hotel guest laundries, or multi-family housing laundry rooms will be equipped with Energy Star® qualified commercial clothes washers rated equal to or below the lowest current Energy Star® Water factor. This provision applies to initial establishment of new laundry~~

~~5. 1. The use of misters is prohibited in commercial and industrial developments.~~

~~6. Water softeners, if installed, must meet NSF/ANSI requirements.~~

~~7. Drinking water treatment systems, if installed, shall meet NSF/ANSI requirements (such systems shall yield at least 85 gallons of treated water per 100 gallons processed).~~

~~8. 2. All new multi-family development exceeding four units shall provide independent-unit metering (water meter for each dwelling unit), with the following exceptions:~~

~~9. 3. Artificial Water Features~~

~~12. 4. Outdoor Sprinkler Systems:~~

~~13. 5. Landscaping:~~

Per the Building Code Advisory Committee, gray water plumbing is seldom used by the homeowner, and gray water stored in a tank can create strong odors when applied. Low utilization rates of gray water don't justify the additional cost of construction of a single-family home in the Sierra Vista Sub-watershed.

Provisions 5, 8, 9, and 12, which are landscape/irrigation requirements that planners review for zoning compliance, should remain. All other provisions are building feature requirements that should be considered for all of Cochise County as local amendments to the building code.

II. SUMMARY AND RECOMMENDATION

The proposed changes would amend Article 17 and Article 18 of the Cochise County Zoning Regulations as indicated in Exhibit A of the attached document.

Sample Motion:

I move to recommend to the Board of Supervisors **approval** of docket R-21-04, amendments to Articles 17 and 18 of the Cochise County Zoning Regulations as outlined in Exhibit A.

III. ATTACHMENTS

Exhibit A amending Articles 17 and 18 of the Cochise County Zoning Regulations with strike-through and underline.