

ZONING ORDINANCE 24-01

AN ORDINANCE OF THE BOARD OF SUPERVISORS OF COCHISE COUNTY, ARIZONA, AMENDING ARTICLES 2.03 DEFINITIONS, 2.15 RURAL ZONING DISTRICTS, 2.18 RESIDENTIAL ZONING DISTRICTS, 2.42 PLANNED DEVELOPMENT DISTRICTS, 2.48 ADMINISTRATION IN SUPPORT OF AGRITOURISM IN 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, the Board recognizes the general purpose of this amendment is to incorporate changes to support agricultural tourism in Cochise County; and

WHEREAS, on February 14, 2024, the Planning and Zoning Commission held a duly noticed public hearing on the proposed amendments to the Zoning Regulations, hereby known as Docket R-24-01; and

WHEREAS, on March 12, 2024, the Board of Supervisors held a duly noticed public hearing of the proposed amendments to the Zoning Regulation, Docket R-24-01 attached hereto as “Exhibit A” that will amend Articles 2.03, 2.15, 2.18, 2.42, and 2.48 of the Cochise County Zoning Regulations and found them to be in the public interest.

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 12th DAY OF MARCH 2023.

Ann English, Chair
Cochise County Board of Supervisors

ATTEST:

Sharon Gilman
Interim Clerk of the Board

APPROVED AS TO FORM:

Paul Correa

Paul Correa
Civil Deputy County Attorney

EXHIBIT A

Article 2.03 Definitions

Agritourism: An on-site, accessory, and subordinate commercial enterprise in connection with and directly related to the General Agricultural, as defined in Section 2.03, of the property whose primary income is derived from the production of livestock or agricultural commodities for commercial purposes on a working farm, or ranch.

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 Winery Tasting Room may also include incidental retail sales of wine and related products.

Article 2.15 RU, RURAL ZONING DISTRICTS

Section 2.15.050 PERMITTED ACCESSORY USES

Agritourism, subject to the maximum densities in Section 2.15.040(1) for guest lodging and Article 2.48.220 for all other requirements.

Article 2.18 R, RESIDENTIAL ZONING DISTRICTS

Section 2.18.070 SPECIAL USE AUTHORIZATION

Agritourism, subject to the requirements of Article 2.48.220

Article 2.42 PD, PLANNED DEVELOPMENT DISTRICT

Section 2.42 PERMITTED PRINCIPAL USES

Agritourism, subject to the requirements of Article 2.48.220

Article 2.48 ADMINISTRATION

Section 2.48.220 Agritourism

1. Purpose: The purpose of this section of the Zoning Regulations is to help promote local agriculture, support rural economies, and provide educational and recreational experiences for county residents and visitors while preserving the character of residential and rural zoning districts.
2. Applicable Zoning District: Agritourism is a permitted non-residential accessory use in Rural (RU) Zoning Districts and Planned Development (PD) Zoning Districts. Agritourism is a Special Use in Residential (R) Zoning districts. All sites must meet the definition of "Agriculture General" per Section 2.03 Definitions and possess an active agricultural zoning exemption.
3. Types of Agritourism
 - a. Farm Tours: Guided tours of farms or agricultural operations where visitors can learn about farming practices, cultivation techniques, and the production of crops or livestock.

- b. U-Pick Operations: Visitors can pick their own fruits, vegetables, or other crops directly from the fields, providing a hands-on experience of harvesting.
- c. Farm-to-Table Experiences: Events or activities that showcase the connection between agriculture and food, often involving on-farm dining experiences featuring locally produced food, wine tasting rooms, and food establishments under the authority of the Department of Health Services.
- d. Educational Programs: Workshops, demonstrations, or classes that teach visitors about various aspects of agriculture, sustainability, and rural life.
- e. Guest Lodging: Accommodations where visitors can experience daily farm life and activities as part of their stay. This includes RV overnight parking and tent camping but does not include a hotel, motel, or resort.
- f. Agritourism Events: Special events such as festivals or seasonal celebrations that highlight local agricultural products, traditions, and local culture. A special event permit is required subject to Section 2.48.200 Temporary Uses.
- g. Outdoor Recreation: Activities such as hiking and bird watching, corn mazes, wagon and hayrides, and commercial riding stables (on a minimum site of 10 acres).
- h. Retail: Shops or roadside stands for retail sale of agritourism-related products or crafts produced on the farm or farm products from the region. All shops and roadside stands must be on site and not located in the public right-of-way. The sale of non-agriculturally related products is limited to twenty-five (25) percent of items offered for sale.
- i. Other agritourism uses that support agriculture may be permitted as determined by the Zoning Administrator on a case-by-case basis.

4. Development Standards

- a. Parking. All parking shall be provided on-site, subject to Section 2.51.040 off-street parking and loading. Off-site parking for special events may only be permitted with a parking and transportation plan submitted with a special event use permit application.
- b. Signage. Subject to Section 2.54 Signs
- c. Food: All prepared food available for sale shall be prepared in accordance with applicable federal, state, and local regulations.
- d. Sanitation: All requirements of the Cochise County Health Department, the Arizona Department of Health Services, and other applicable laws shall be met.
- e. Structures. Permanent structures, including, but not limited to, wine tasting rooms, guest lodging, retail sales, and food establishments associated with agritourism, shall require a non-residential building permit.

5. Application Submittals.

- a. A properly completed permit application to the Cochise County Development Services Department.
- b. Processing Fee.
- c. Plot plan and narrative illustrating conformance with the development standards for Agritourism.