

ZONING ORDINANCE 25-18

AN ORDINANCE OF THE BOARD OF SUPERVISORS OF COCHISE COUNTY, ARIZONA, AMENDING ARTICLES 2.03 DEFINITIONS, 2.48.170 ACCESSORY LIVING QUARTERS (ALQs), 2.15 RU PERMITTED ACCESSORY USES, 2.18 R PERMITTED ACCESSORY USES, 2.21 SM PERMITTED ACCESSORY USES, 2.24 SR PERMITTED ACCESSORY USES, 2.27 MR PERMITTED ACCESSORY USES, 2.30 NB PERMITTED ACCESSORY USES, 2.33 GB PERMITTED ACCESSORY USES 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 bring Cochise County’s zoning regulations into compliance with the requirements of A.R.S. § 11-810.01 and House Bill 2928, by establishing clear and consistent standards for Accessory Dwelling Units (ADUs) that promote increased housing options and affordability, streamline the permitting process, and remove local barriers to ADU construction on parcels where single-family dwellings are permitted, thereby supporting the health, safety, and welfare of County residents; and

WHEREAS, on August 13, 2025, the Planning and Zoning Commission held a duly noticed public hearing on the proposed amendments to the Cochise County Zoning Regulations, hereby known as Docket R-25-03; and

WHEREAS, on September 2, 2025, the Board of Supervisors held a duly noticed public hearing of the proposed amendments to the Cochise County Zoning Regulations,

hereby known as Docket R-25-03 and attached hereto as “Exhibit A” that will amend Articles 2.03, 2.48, 2.15, 2.18, 2.21, 2.24, 2.27, 2.30, and 2.33 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 2ND DAY OF SEPTEMBER 2025.

Frank Antenori, Chairman
Cochise County Board of Supervisors

ATTEST:

Lara Loewenheim
Clerk of the Board

APPROVED AS TO FORM:

 8/19/2025

Bert Whitehead IV, Esq.
Civil Deputy County Attorney

EXHIBIT A

2.03.030 DEFINITIONS

~~Accessory Living Quarters (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.~~

Accessory Dwelling Unit (ADU): A self-contained living unit that is on the same lot or parcel as a single-family dwelling of greater square footage than the accessory dwelling unit, that includes its own sleeping and sanitation facilities and that may include its own kitchen facilities.

Floor Area, Gross: the interior habitable area of a single-family dwelling or an accessory dwelling unit.

2.48.170 ACCESSORY LIVING QUARTERS (ALQs) ACCESSORY DEWELLING UNIT (ADU)

1. **Purpose.** The purpose of this section of the Zoning Regulations is to provide development standards and approval procedures for ~~Accessory Living Quarters~~ Accessory Dwelling Units (ADUs) in a manner that increases housing options and affordability while preserving the character of residential and rural districts.
2. **Applicability and Allowances.** ~~Accessory Living Quarters are allowed where listed as a permitted accessory use.~~ ADUs are permitted accessory uses on any lot or parcel where a single-family dwelling is permitted, including at least one attached and one detached ADU per parcel. On lots one acre or larger, one additional detached ADU shall be permitted, subject to compliance with this section, except in areas subject to high-noise or accident-potential zoning near airports as defined by A.R.S. § 28-8461.
3. **Development Standards.** Approval of ~~Accessory Living Quarters~~ ADUs shall require compliance with the following standards, unless modified by variance:
 - a. ~~ALQs~~ ADUs must be equal to or lesser in height than the existing principal dwelling.
 - b. ~~ALQs~~ ADUs are limited in size to ~~a maximum of 50%-75% of the livable square footage~~ gross floor area of the principal dwelling or 1,000 square feet, whichever is less.
 - c. ADUs shall be at least five (5) feet from all property lines.
4. **Restrictions.**
 - a. ~~No more than one ALQ per lot or parcel.~~
 - b. ~~No more than one kitchen per unit (detached living structures).~~

- c. a. ~~ALQs~~ ADUs shall not be subdivided or otherwise segregated in ownership from the principal dwelling unit.
 - ~~d. ALQs shall not have a separate address or mailbox from the principal dwelling.~~
 - e. b. Recreational vehicles, railroad cars, and camper shells are not permitted for use as an ~~ALQ~~ ADU in any zoning district. Pursuant to A.R.S. § 11-820.03, ~~the County permits park model trailers as an ALQ on parcels zoned RU-4 and greater~~ the County shall allow the use of a park model trailer as an ADU for use as a single-family residence on any parcel zoned for one dwelling unit per three acres or greater. The park model trailer shall be placed on a semi-permanent or permanent foundation and connected to utilities.
 - f. c. Manufactured homes and rehabilitated mobile homes may be permitted as an ~~ALQ~~ ADU only in those Zoning Districts where they are a permitted use.
 - g. d. ADUs may not be built on top of a current or planned public utility easement unless the property owner receives written consent from any utility that is currently using the public utility easement or that may use the public utility easement in the future.
 - h. e. All utilities may be delivered via separate or shared meters. If an ADU will use a septic system, the system shall be adequately sized prior to permit issuance.
5. ~~**Special Use Authorization Required.**~~ Non-Administrative Approvals Required
- ~~1. Long term rental or lease of an ALQ separately from the primary residence.~~
 - a. ~~Use an ADU for commercial purposes or for any use other than a permitted home occupation.~~ A Special Use Authorization is required to use an ADU for commercial purposes or for any use other than a permitted home occupation.
 - ~~b. Any deviation from the development standards contained in this section. A Variance is required for any deviation from the development standards contained in this section~~
6. **Application Submittals.**
- a. A properly completed and filled-out ~~Accessory Living Quarter~~ Accessory Dwelling Unit application to the Cochise County Development Services Department.
 - b. Processing fee.
 - c. Plot plan and narrative illustrating conformance with the development standards for ~~ALQs~~ ADUs.
7. **Occupancy.** The owner of the parcel shall live either in the primary dwelling or Accessory Living Quarters as their primary residence.
8. **Legal Non-Conforming Lots.** ~~Accessory Living Quarters are permitted accessory use on substandard legal, non-conforming lots in Zoning Districts that permit Accessory Living Quarters subject to the applicable process.~~ Accessory Dwelling Units are permitted on all lots zoned for single-family residential use, including legal non-conforming lots,

pursuant to A.R.S. § 11-810.01. ADUs are subject to the same standards and application procedures applicable to conforming lots within the zoning district.

9. **Action by the County Zoning Inspector and Appeal.** The County Zoning Inspector shall review all complete ~~ALQ~~ Accessory Dwelling Unit 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 to appeal to the appropriate Board of Adjustment as any other appeal of the County Zoning Inspector's determinations.

2.15.050 RU PERMITTED ACCESSORY USES

~~One Accessory Living Quarter~~ Accessory Dwelling Unit(s), subject to the definition in Article 2.03 and the procedures in Article 2.48.

2.18.050 R PERMITTED ACCESSORY USES

~~One Accessory Living Quarter in R-36 Zoning Districts~~ Accessory Dwelling Unit(s), subject to the definition in Article 2.03 and procedures in Article 2.48.

2.21.050 SM PERMITTED ACCESSORY USES

~~One Accessory Living Quarter in all of the SM districts EXCEPT the SM-18 and SM-9 Zoning Districts~~ Accessory Dwelling Unit(s), subject to the definition in Article 2.03 and procedures in Article 2.48.

2.24.050 SR PERMITTED ACCESSORY USES

~~One Accessory Living Quarter in SR-36 Acres, SR-18 Acres, SR-10 Acres, SR-174 (4 acres), SR-87 (2 acres), and SR-43 Zoning Districts~~ Accessory Dwelling Unit(s), subject to the definition in Article 2.03 and the procedures in Article 2.48.

2.27.050 MR PERMITTED ACCESSORY USES

Accessory Dwelling Unit(s), subject to the definition in Article 2.03 and the procedures in Article 2.48.

2.30.040 NB PERMITTED ACCESSORY USES

Accessory Dwelling Unit(s), subject to the definition in Article 2.03 and the procedures in Article 2.48.

2.33.040 GB PERMITTED ACCESSORY USES

Accessory Dwelling Unit(s), subject to the definition in Article 2.03 and the procedures in Article 2.48.