



Development Services

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MEMORANDUM

TO: Cochise County Board of Supervisors
FROM: Christine McLachlan, AICP, Director Development Services
THROUGH: Sharon Gilman, County Administrator
FOR: Cochise County Board of Supervisors
SUBJECT: Docket R-25-03 (Accessory Dwelling Unit)
DATE: September 2, 2025

I. BACKGROUND

Accessory Dwelling Unit (ADU) is 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.

A.R.S. § 11-810.01 became law on May 23, 2025, following the passage of House Bill 2928 (HB 2928). The intent of HB 2928 was to establish a consistent, statewide framework for County permitting of Accessory Dwelling Units (ADUs), making them allowable by right everywhere single-family homes are permitted. These measures are intended to increase housing options and affordability, streamline ADU permitting, and remove any local barriers that hinder their construction. The proposed zoning text amendments include a revised definition of an ADU, updated development standards and approval procedures, and minor revisions to the permitted accessory use provisions in the RU, R, SM, SR, MR, NB, and GB zoning districts to permit accessory dwelling units on parcels where single-family dwellings are allowed.

A.R.S. § 11-810.01 will take effect on January 1, 2026, and will preempt any local zoning codes that conflict with its provisions. These changes will bring Cochise County's regulations into compliance with state law before that date, thereby avoiding state preemption. Specific amendments to the Cochise County Zoning Regulations are detailed in the following section of this memo.

II. PROPOSED CHANGES

1. Terminology: "Accessory Living Quarters (ALQs)" changed to "Accessory Dwelling Unit (ADU)" throughout the regulations.
 2. Definitions: gross floor area added. Revised definition of ADU, taken from HB 2928, added.
 3. 2.48.170 Applicability:
 - Explicitly states ADUs are allowed on any lot or parcel where a single-family dwelling is permitted.
 - Requires allowance of at least one attached and one detached ADU, plus an additional detached ADU on lots ≥ 1 acre.
 - Adds limitation for airport noise/accident zones per A.R.S. § 28-8461.
 4. 2.48.170 Development Standards
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- Increases size limit from 50% to 75% of the gross floor area or 1,000 sq ft.
 - Sets 5-foot minimum setback for ADUs.
5. 2.48.170 Restrictions
- Removes “one ALQ per lot” cap (now allowed: 2+ ADUs).
 - Drops restriction on separate addresses/mailboxes
 - Updates RV and park model trailer provision to comply with A.R.S. § 11-820.03
 - Adds new utility easement and septic sizing requirements
6. 2.48.170 Non-Administrative Approvals
- Removes rental restrictions (which are preempted by A.R.S. § 11-269.17)
 - Specifies variances, rather than special use authorizations, are required for development standard deviations.
7. 2.48.170 Legal Non-Conforming Lots
- Reiterates/clarifies that ADUs are allowed on all single-family residential lots, including nonconforming lots

III. SUMMARY & RECOMMENDATIONS

The Planning and Zoning Commission recommended approval of Docket R-25-01 during its regular meeting on August 13, 2025, by a 6-1 vote (DePew dissenting).

Staff requests that the Board consider and approve the proposed changes as presented.
