

## **ZONING ORDINANCE 25-19**

### **AN ORDINANCE OF THE BOARD OF SUPERVISORS OF COCHISE COUNTY, ARIZONA, AMENDING ARTICLE 2.48.160 SPECIAL USE AUTHORIZATIONS 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 of Supervisors recognizes the need for a fair and efficient appeal process that ensures complete and accurate consideration of Special Use Authorization requests; and

**WHEREAS**, providing the Board of Supervisors with the authority to remand matters to the Planning and Zoning Commission allows for further fact-finding or review when additional evidence or testimony is necessary to reach a proper decision; and

**WHEREAS**, on September 10, 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-25-04; and

**WHEREAS**, on September 16, 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-25-04 and attached hereto as “Exhibit A” that will amend Article 2.48.160 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 16TH DAY OF SEPTEMBER 2025.**

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Frank Antenori, Chairman  
Cochise County Board of Supervisors

**ATTEST:**

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Lara Loewenheim  
Clerk of the Board

**APPROVED AS TO FORM:**

 8/28/2025

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Bert Whitehead IV, Esq.  
Civil Deputy County Attorney

## EXHIBIT A

### 2.48.160 SPECIAL USE AUTHORIZATIONS

#### 4. Appeal of Special Use Authorization Decisions.

- a. The decision of the Planning Commission is deemed to be the final County action on the issue unless that decision is appealed within 15-calendar days following the date of the decision. Any appeal shall be submitted for review by the Board of Supervisors at a public hearing to be scheduled within 60-calendar days of receipt of the appeal. An appeal may be filed by the Applicant, by any other person aggrieved in any manner by the decision, or by the County Zoning Inspector if the Inspector believes an error was made.
- b. An appeal is filed by submitting a written notice of appeal to the County Zoning Inspector, together with an appeal fee in accordance with the adopted fee schedule. If the appeal is filed by the County Zoning Inspector, no fee is required. The notice of appeal shall include the following:
  - 1) An identification of the decision being appealed.
  - 2) A complete statement of all reasons why the appellant believes that the decision, or any part of the decision, was erroneous, arbitrary, capricious, or an abuse of discretion; and
  - 3) Written presentation of additional testimony and evidence, a full explanation of the additional testimony and evidence that will be submitted, with an explanation of why this was not presented to the Planning Commission.
- c. Appeals must be filed within [15] calendar days following the date of the decision of the Planning Commission decision. Upon receipt of an appeal, the County Zoning Inspector or designee shall compile the record of the proceeding and submit this to the Board of Supervisors with the appeal documents.

The Board shall send to the appellant and the Special Use Authorization Applicant if they differ, a notice of the designated date of the public hearing. The date of decision shall be not more than 90-calendar days following the submittal of the notice of appeal. Notice of the public hearing shall be given in the same manner as the original application.

Following its deliberations on the date of the decision, the Board of Supervisors shall either affirm, reverse, ~~or~~ modify, or remand the decision of the Planning Commission.

#### Definitions and Criteria:

Affirm: The Planning Commission decision stands as issued.

Reverse: The decision is overturned in whole or in part.

Modify: The decision is altered with specific conditions or findings.

Remand: The matter is returned to the Planning Commission for further proceedings consistent with the Board's direction. A remand may be ordered if the Board determines that:

1. Additional evidence or testimony is necessary for a proper decision; or
2. New information has been submitted that was not reasonably available at the time of the Planning Commission hearing.

**Limitation:**

A remand may occur only once per appeal. After a single remand and the subsequent Planning Commission review, the Board's decision shall be final and not subject to further remand.

The factual and legal basis for the decision shall be specifically stated by the Board. The Clerk shall record the basis for the decision and shall provide a copy to the appellant, Special Use Authorization Applicant, and to the Planning Commission.

- d. If the Special Use Authorization request is approved, the County Zoning Inspector shall issue the permit, subject to all applicable conditions; provided, however, that if the Applicant does not accept in writing the conditions within 30-calendar days of approval, the permit shall be deemed null and void.
- e. In the case of an appeal of a charter school, decisions on the appeal shall be made in the time period specified in Arizona Revised Statutes.