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ARTICLE 1

TITLE, PURPOSE, AND GUIDING PRINCIPLES

101 Adoption of Land Use Plan and Zoning Ordinance

Cochise County has adopted and established an official land use plan, which has been approved by separate proceeding, and shall hereafter be referred to as the Cochise County Comprehensive Plan, and a Zoning ordinance, which shall hereafter be referred to as the Cochise County Zoning Regulations.

102 Purpose

The purpose of these Zoning Regulations is to conserve and promote the public health, safety, convenience, and general welfare, and to provide for the future growth and improvement of the unincorporated area of Cochise County in accordance with the Cochise County Comprehensive Plan.

103 Declaration

In order to accomplish the above purpose through coordinated, adjusted and harmonious development of land in the entire unincorporated area of Cochise County, these Zoning Regulations establish Zoning Districts for the unincorporated area of Cochise County, for the various classes of residential, commercial, and industrial uses, consistent with the plan designations and Goals and Policies of the Cochise County Comprehensive Plan. In order to protect the character and stability of each district, setback distances are customized for each use and site. Provisions are also made for providing adequate light, air, and parking facilities; promoting adequate traffic circulation; preventing overcrowding of land uses by provisions for lot area, coverage, open space, and setbacks; and reducing the probability of damage from flood, fire, and other events.

ARTICLE 2

DEFINITIONS

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201 Intent

This article is intended to clarify the meaning of any term used within these Zoning Regulations for which the common definition may not serve the purpose of the Zoning Regulations, or which is not a commonly used term outside of the context of these Zoning Regulations.

202 Interpretations

Any dispute regarding the meaning of any word or term used in these Zoning Regulations shall be decided by the County Zoning Inspector, and all such decisions shall be subject to appeal to the appropriate Board of Adjustment.

203 Definitions

Access - A means of vehicular ingress and egress connecting a site to the roadway system.

Accessory Living Quarters – An attached or detached structure (including detached bedrooms) that is used either as a guesthouse or as quarters for the ill, elderly or disabled, or their caretaker(s). Accessory living quarters must be incidental and subordinate in size (including all garages, porches, etc), impact, and purpose to a principal dwelling.

Detached accessory living quarters are limited to one kitchen per unit.

Except for parcels zoned Rural, in the absence of a special use permit, the accessory living quarters shall not have a separate address or separate utility meters. In the absence of a special use permit, the accessory living quarters shall not be rented separately from the main residence, nor used for commercial purposes other than a home occupation, and is not intended for sale separately from the main residence.

There shall be no more than one accessory living quarters per lot or parcel. Recreational vehicles, other than park models, shall not be permitted as accessory living quarters in any zoning district. Manufactured homes, rehabilitated mobile homes, mobile homes with the State Office of Manufactured Housing Rehabilitation Insignia of Approval and park models may be permitted as accessory living quarters in those Zoning Districts that allow mobile homes and manufactured homes as permitted structures.

Accessory Structures or Uses - Structures or uses on the same site and of a nature customarily incidental and subordinate in size, impact, and purpose to the principal structures or uses. Accessory structures or uses shall observe all site development standards required of the principal structure or use, except as otherwise specified within these Zoning Regulations. Structures attached to the principal structure shall be considered a part of that principal structure.

Acre - An area of land comprising forty-three thousand, five hundred sixty (43,560) square feet.

Agriculture General - A tract containing a minimum of five (5) contiguous commercial acres which is being used for the production of farm, garden, or orchard crops, or the grazing or raising of farm animals, including feeding pens that are incidental and subordinate to a grazing operation. Examples of commodities produced include vegetables, fruit trees, grapes, cotton, grain, poultry, horses, cattle, sheep, and swine. The term "general agriculture" includes such uses as the necessary treatment, packing, or storage of farm products produced on premises, the sale of any farm crops or livestock raised on premises, and any signs, structures, or fences utilized for agricultural functions. By statute, “general agriculture” includes dairy operations, including areas designated for raising heifers and bulls owned by the same dairy operation that is on property contiguous to the dairy operation or within one-quarter of a mile. It does not include signs advertising off-premise facilities, junkyards, other retail sales, manufacturing, any non-agricultural services, stockyards, slaughterhouses/meat packing plants, commercial pen feeding, production wineries, bone yards, plants for the reduction of animal matter, poultry feeding operations, agricultural processing plants, or the growing of medical marijuana.

Agricultural Processing Services - Those services which alter the condition of and add value to a marketable, agricultural commodity through a processing activity. Agricultural processing services do not include slaughterhouses/meat packing plants, commercial feedlots, bone yards, or facilities for the reduction of animal matter.

Agricultural Processing Services, On-Site - An agricultural processing service located in Growth Category D where at least 70% of the crop input for facility is grown on site. No use or building permit is required.

Airport - An area of land or water that is used or intended to be used for the landing and take-off of aircraft, including its buildings and facilities, helipads, and heliports.

Alley – A public or private thoroughfare, generally less than 20-feet in width, located in the rear or on the side of a set of parcels that provides a secondary means of vehicular access to abutting properties.

Anemometer – A device mounted on a tower or pole used to measure wind speeds for non-residential purposes. Devices may also include wireless equipment for the transmission of data generated by the anemometer.

Animal Husbandry Services - Facilities, including kennels, related to the care, raising, and breeding of animals.

ARS (Arizona Revised Statutes) - Please contact Community Development to obtain current statue number.

Attached - A building otherwise complete in itself, which depends, for structural support or complete enclosure, upon a roof or division wall(s) shared in common with adjacent building or buildings.

Banks and Banking Services - Business offices devoted to the keeping, receiving, lending, and exchange of money and including on-site teller facilities for providing those services to the public. May or may not include the use of drive-up teller windows.

Bed and Breakfast Lodging:

> **Bed and Breakfast Homestay** – A single household dwelling unit occupied by an owner or a full time resident residing in the dwelling, accommodating no more than two (2) guest bedrooms that are rented to no more than six (6) transient guest lodgers at any one time who may be furnished meals. Detached accessory guest rooms or structures for house guests are not permitted.

Bed and Breakfast Inn – A single household dwelling unit occupied by an owner or a full time resident residing in the dwelling, accommodating no more than four (4) guest bedrooms that are rented to no more than twelve (12) transient guest lodgers at any one time who may be furnished meals. Detached accessory guest rooms or structures for house guests are not permitted. Also, a single household dwelling unit not occupied by an owner or a full time resident residing in the dwelling, which is rented as a single unit to transient guest lodgers.

Bed and Breakfast Establishment – A single household dwelling site that is occupied by an owner or a full time resident residing on the site, accommodating no more than twelve (12) guest rooms that are rented to no more than thirty (30) transient guest lodgers at any one time who may be furnished meals. Detached accessory guest rooms or structures for house guests may be permitted.

Guest rooms in Bed and Breakfast lodging shall not have kitchens.

Board of Adjustment - One of the Boards of Adjustment of Cochise County appointed by the Board of Supervisors under the authority of Article 21 of these Zoning Regulations and pursuant to Arizona Revised Statutes.

Board of Supervisors (or "Board") - The Board of Supervisors of Cochise County.

Building - A structure used for the shelter or accommodation of persons, animals, equipment, or goods having a roof which is supported by columns or walls.

Building Permit - A permit granted to a property owner by the County Zoning Inspector to use, establish, construct, alter, or enlarge any portion of a building or structure as permitted by the adopted building and zoning codes and as allowed pursuant to the approval of a Special Use Permit.

Car Wash - A building or semi-enclosed structure used for the washing of vehicles.

Cemetery - Land set apart or used as a place for the interment of the dead or in which human bodies have been buried. It may include a structure for the purpose of the cremation of human remains and may include facilities for storing ashes of human remains that have been cremated or the interment of the dead in sealed crypts or compartments.

Cemetery, Family - Land set aside or used for the interment of family members. Notice of the location shall be filed with the County Recorder.

Churches or Places of Religious Worship - Buildings and locations where people regularly participate in or hold religious services, meetings or other activities related to the exercise of their religious beliefs.

Commission - The Cochise County Planning and Zoning Commission.

Communication Equipment - A facility or shelter used for housing equipment for switching, processing, transmission and/or reception of Federal Communications Commission (FCC) licensed wireless communications services involving the use of an antenna array, connection cables, and equipment shelters. Communication facilities equipment shall be considered a utility installation.

Communication Tower – Any support structure, including lattice-type towers and monopoles, used to achieve the necessary elevation for communication equipment.

Community Garden – An area used to grow food and/or fiber products for use, consumption, or sale by the garden participants. Accessory uses may include greenhouses, sheds, and outdoor storage of farm equipment. Community gardens are considered residential uses for the purposes of site development standards.

Conforming Use - A use of land which is permitted or approved as a Special Use in the Zoning District in which it is situated.

Contract Construction Services - Those services directly related to contract construction, including the indoor and/or outdoor storage of the necessary equipment and accessory fabrication. These include, but are not limited to general contractor construction, plumbing, heating, air conditioning, painting, paper hanging and decorating, electrical, masonry, stonework, tile setting, plastering, carpentry, roofing, landscaping, and concrete.

Convenience Store - A retail establishment offering a variety of food, beverage, household items, and/or gasoline sales.

Corrals - A confined area for livestock where associated impacts are concentrated.

Cultural, Historic and Nature Exhibits - Activities which include, but are not limited to libraries, museums, art galleries, planetariums, aquariums, botanical gardens, arboretums, zoos, and historic sites.

Custom Butchering/Meat Curing/Processing – The cutting, curing, and processing of meat, to include on-site butchering, operating under the Arizona Department of Agriculture slaughter license for more than 45-head and not to exceed 150-head of cattle and more than 45-head and not to exceed 160-head of sheep, goats, or swine in one-calendar year.

Day Care Establishment – Any facility in which care is regularly provided for compensation for more than ten individuals who do not reside on the site and who are not related to the proprietor.

Day Care Facility - Any facility in which care is regularly provided for compensation for five to ten individuals who do not reside on the site and who are not related to the proprietor.

Dwelling– Any building intended primarily for residential occupancy by one or more households, containing sleeping, cooking, and sanitary facilities.

Dwelling, Multiple-Household - A single dwelling in a structure containing defined space for two or more households, with separate entrances, cooking, sanitary and sleeping facilities for each. Multiple household dwellings may include apartments, condominiums, townhouses, and multiplexes.

Dwelling, Single-Household - A structure surrounded on all sides by open space and setback from the property line, intended for occupancy by one household. This definition includes site or factory-built homes, rehabilitated mobile homes and manufactured homes, but does not include recreational vehicles. A mobile home that has not been rehabilitated, as required by these Zoning Regulations, may be used for this purpose only if it meets the standards under these Zoning Regulations for a lawful non-conforming use.

Easement - A grant of one or more of the property rights by the owner to, or for the use by, the public, a corporation, or another person or entity. No structure shall be permitted in public easements. However, a permit may be issued for a structure in a private easement with the condition: "No structure or use permitted by this permit shall limit the rights of the owner of any underlying easements which burden a particular site from utilizing their easement."

Educational Services - A category of land uses including pre-school, primary, secondary, and higher education facilities, vocational, and technical schools, and any other facility in which the principal use is public assembly for the purpose of receiving classroom instruction or practical training.

Emergency Vehicle Station - A facility housing vehicles intended for quick response to medical, fire, and law enforcement emergencies.

Factory-Built Building - A residential or nonresidential building including a dwelling unit or habitable room thereof which is either wholly or in substantial part manufactured at an off-site location to be assembled on-site and placed on a permanent foundation. Factory-Built Buildings are constructed to Building Code standards and are regulated by the Office of Manufactured Housing. Factory-Built Buildings do not include manufactured homes, recreational vehicles, or mobile homes. A factory-built building used for residential purposes shall be considered a single-household dwelling unit.

Farmers Market – An indoor or outdoor area where daytime sales of locally grown or produced food, fiber, and/or products take place, and where sufficient parking, sanitary facilities, and waste disposal facilities are provided.

Feedlot, Commercial - A feeding operation on a parcel of land where livestock are maintained in a corral, pen, or other area on a sustained basis, where feed is brought onto the parcel, and where the concentration of animals is regulated by the ADEQ Concentrated Animal Feeding Operations per the Arizona Administrative Code. It is operated for the primary purpose of feeding and fattening animals for direct or eventual shipment to market or slaughter. Pastures used for the grazing of livestock and feeding pens for livestock are not considered commercial feedlots.

Fence - An artificially constructed barrier, including walls, made with any standard construction material including corrugated metal, erected to enclose areas of land. A retaining wall is not a fence.

Firearms, Skeet, Archery, or Trap-Shooting Range – An outdoor facility involving the use of firearms or bows in individual or group activities.

Floor Area - The sum of the gross horizontal areas of every story of all buildings on the lot or site.

Golf Course - An open-air golfing facility having not less than 30-acres and nine-holes. May include an accessory pro shop, a clubhouse, restaurants, and lounges.

Grade – The average point of elevation of the finished surface of the ground, paving, or sidewalk within the area between the building and the property line or, when the property line is more than five feet from the building, between the building and a line five feet from the building (See figure 2-1).

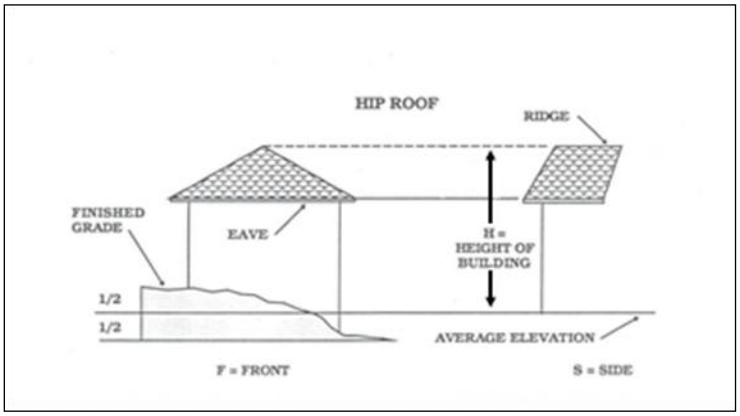

Figure 2-1

Grocery Store - A retail establishment primarily selling food, beverages, and household maintenance supplies. Grocery stores may contain incidental accessory uses such as bakeries, delicatessens, pharmacies, movie rentals, postal services and/or banking services.

Group Quarters– A residential facility designed to accommodate individuals who are not a part of the same household. Typical uses include fraternities, hostels, sororities, residence halls, dormitories, rooming and boarding houses, membership lodgings, and religious quarters. This does not include halfway houses, offender re-entry residential facilities, or homeless shelters which are included in the definitions of Offender Rehabilitation Facility, or Welfare and Charitable Services, nor does this include Residential Care Homes or Residential Care Institutions.

Growth Area - A "growth area" is an area identified on the Cochise County Comprehensive Plan maps and described in Article 4. Growth areas are based on the capacity of an area for growth.

Guest Lodging – A building or group of buildings furnishing rooms or an area for accommodation for overnight or short term lodging such as a hotel or motel, resorts, guest ranches, group camps, and campgrounds and may include recreational facilities, restaurants, meeting rooms or similar facilities. This definition does not include Recreational Vehicle Parks or Bed & Breakfast land uses.

Guesthouse – See definition of Accessory Living Quarter.

Health Clinic - A facility for treating human ailments operated by a group of physicians, dentists, chiropractors, or other licensed practitioners for the treatment and examination of outpatients.

Height, Building - The vertical distance from the grade of the finished surface adjacent to the finished wall of a structure to the highest point of the roof for flat, gable, hip, and gambrel roofs, and to the deck line of mansard roofs (see Figure 2-2).

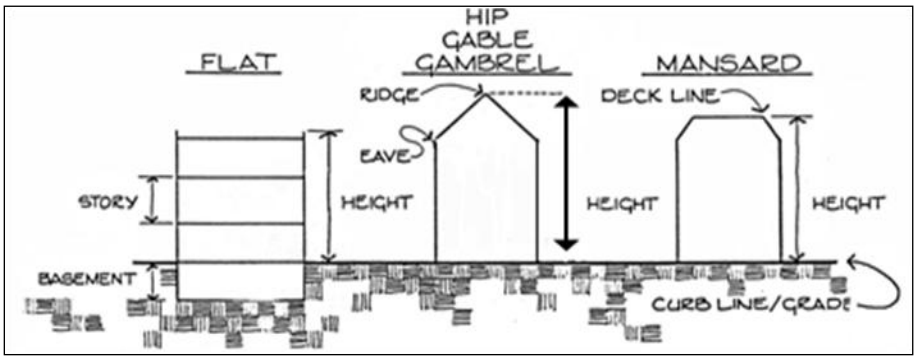

Figure 2-2

Height, Structure - The vertical distance from the grade of the finished surface adjacent to the structure to the highest point of the structure or any attachment.

Home Occupation - An activity carried on by the occupant of a dwelling as a secondary use, including personal and professional services, subject to the following limitations:

A. The home occupation may occupy an area no greater than one-quarter (¼) of the floor area of the residence whether occurring within the residence or in a detached structure.

B. No more than one person other than the residents of the dwelling shall be employed in the conduct of the home occupation.

C. Any outdoor display or storage of materials, goods, supplies or equipment shall be prohibited, other than the signs noted below.

D. The generation of noise, vibrations, noxious odors, dust, heat, or glare detectable beyond any property line or the storage or use of hazardous materials of a type and amount that could create safety concerns or are not appropriate to dispose of in residential garbage or sewer systems is prohibited.

E. No traffic shall be generated by such home occupation in greater volumes than would normally be expected in a residential neighborhood, and any need for parking generated by the conduct of such home occupation shall be met off the street.

F. There shall be no change to the residential appearance of the premises and the primary function of the occupation shall not be the sales or rentals of goods from the site.

G. There shall be allowed one on-site non-illuminated, permanent identification sign not to exceed four-square feet and vehicular signs.

Hospital - An institution providing in-patient, out-patient, and emergency medical care.

Household - Any number of individuals living together as a single housekeeping unit and doing their cooking on the premises, as distinguished from group quarters or residential care institutions.

Impoundment Storage Yard - A site used for the temporary storage of impounded vehicles. No crushing or dismantling of vehicles or storage of vehicle parts shall occur.

Infrastructure - The system of facilities and services providing the supporting structure of a community, including, but not limited to streets, utilities, sewer systems, fire, law enforcement, medical, educational, and recreational facilities.

Jails, Prisons, and Detention Centers - Any detention facility for legal offenders or for those awaiting trial.

Junk - Old or scrap metal, wood, copper, brass, rope, rags, batteries, paper, trash, rubber debris, tires, waste or junked, dismantled or wrecked vehicles or parts thereof, iron, steel, and other old or scrap ferrous or nonferrous material.

Junkyards - The non-residential use of any site upon which the storage, keeping, salvage, sale or abandonment of junk occurs. Includes salvage yards and automobile wrecking yards.

Kitchen: Any room in a building which is used, intended, or designed to be used for cooking or preparation of food.

Landscaping – Site improvements intended to modify the aesthetic appearance of a property by changing its contours, and/or adding ornamental features and plantings. Materials used may include grass, ground covers, shrubs, vines, or trees and accessory non-living durable material, such as, but not limited to, rocks, pebbles, sand, brick, concrete paving bricks, walls and fences, but excluding asphalt. Landscaping may also include retention of native vegetation in prescribed areas.

Legal Non-Conforming Uses: Defined in Article 20.

Livestock - Cattle, horses, sheep, llamas, alpacas, goats, mules, swine, asses, and ratites, such as ostriches and emus.

Lot Development Administrative Modification – A site development standard modification approved according to the procedures and criteria set forth in Article 17 herein.

Manufacture or Manufacturing - For the purposes of these Zoning Regulations, "manufacture" refers to a broad category of uses involving the use of mechanical power and machinery to produce products from raw materials, to prepare or alter materials for use in a finished product, or to assemble parts into products, including processing.

Manufactured Home - A structure built in accordance with the National Manufactured Home Construction and Safety Standards Act of 1974 and Title VI of the Housing and Community Development Act of 1974 and as amended. Does not include mobile homes, factory-built buildings, or recreational vehicles.

Master Development Plan – Defined in Article 4.

Medical Marijuana Cultivation Facility - A building, structure, or premises used for the cultivation and storage of medical marijuana that is physically separate and off-site from a medical marijuana dispensary. Site Development Standards for Medical Marijuana Dispensaries are found in Article 18.

Medical Marijuana Dispensary - A nonprofit medical marijuana dispensary duly registered and certified pursuant to Arizona Revised Statutes that sells, distributes, transmits, gives, dispenses, or otherwise provides medical marijuana to qualifying patients. Site Development Standards for Medical Marijuana Dispensaries are found in Article 18.

Medical Marijuana Dispensary Cultivation Facility - A building, structure, or premises where marijuana will be cultivated for sale at a non-profit medical marijuana dispensary duly registered and certified pursuant to Arizona Revised Statutes. Site Development Standards for Medical Marijuana Dispensaries are found in Article 18.

Medical Marijuana Infusion Facility - A facility that incorporates medical marijuana into consumable/edible goods by means of cooking, blending, or any other type of incorporation. Site Development Standards for Medical Marijuana Dispensaries are found in Article 18.

Medical Marijuana Uses - Shall include collectively medical marijuana cultivation facilities, medical marijuana dispensaries, medical marijuana dispensary cultivation facilities, or medical marijuana infusion facilities; per Arizona Revised Statutes.

Mini-Warehouses/Self-Storage Facilities - Buildings which are rented to the public for the storage of personal property and which have independent access and locks under the control of the tenant. May include outdoor storage areas.

Mining - Those activities conducted to develop or extract materials from the earth, including on-site transportation, concentrating, milling, leaching, smelting, or other processing of ores or other materials. A mine includes all lands containing excavations, underground passageways, shafts, tunnels and workings, structures, facilities, equipment, machines or other property including impoundments, retention dams, tailings and waste dumps, on the surface or underground, used in, to be used in or resulting from the work of extracting minerals or other materials, excluding hydrocarbons. Mining includes that portion of an operation which mixes rock, sand, gravel or similar materials with water and cement or with asphalt, provided that the operation is either physically connected to the mine or is so interdependent with the mine as to form one integral enterprise.

Mobile Home - A structure built prior to June 15, 1976 on a permanent chassis, capable of being transported in one or more sections and designed to be used with or without a permanent foundation as a dwelling when connected to on-site utilities. Does not include recreational vehicles, factory-built buildings, or manufactured homes.

Mobile Home, Rehabilitated - A mobile home that has been rehabilitated and certified as such by Cochise County or that exhibits the Arizona State Office of Manufactured Housing Rehabilitation insignia.

Mobile or Manufactured Home Park - A site or parcel of land under single or unified ownership upon which three or more mobile homes, manufactured homes, factory-built buildings or a combination thereof, are set up as residences, regardless of whether the units are permanently occupied or offered as rental units. In Comprehensive Plan Category D Growth Areas designated Rural, six or more mobile homes, manufactured homes, factory-built buildings or a combination thereof shall be considered a mobile or manufactured home park.

Mobile or Manufactured Home Space - A plot of ground within a mobile or manufactured home park designed for the accommodation of one mobile or manufactured home together with its accessory structures.

Motion Picture Production Site/Studio - Permanent facilities for the filming, processing, editing, or production of motion pictures, involving the use, construction, or structural alteration of buildings or structures.

Non-Residential Use Permit – Commercial Building/Use Permit.

Offender Rehabilitation Facility - An operation, licensed in the State of Arizona, for individuals who are legal offenders on release from more restrictive custodial confinement or initially placed in lieu of such more restrictive custodial confinement, such as in a mobile program agency as defined by the State of Arizona, wherein supervision, rehabilitation, or counseling is provided.

Open Space - Open space refers to any area of a site which is not occupied by buildings, structures, parking areas, streets, drives, or any outdoor use other than an outdoor recreation facility.

Out-building – A barn, shed, garage, lean-to or other similar building used to store items that will be used on the property, or to house animals (except RVs which are only permitted as an Accessory Use) that is accessory to the principal use except as allowed without a principal use in Articles 6 and 7.

Parking Area, Minimum - The minimum on-site area required for off-street parking and loading. This includes all spaces, drives, aisles, and maneuvering areas required to serve those spaces.

Parking Lot, Commercial - A structure or lot used for parking or storage of operational vehicles as a principal use of a site, which may or may not be used on a fee-paying basis. Does not include impoundment storage yards.

Personal and Professional Services - Facilities which provide the following or similar personal services: pet grooming, laundering, dry cleaning, rug cleaning, beauty, and barber services, photographic and recording services. Offices which provide the following or similar professional services: legal, real estate, engineering, architectural, design, counseling and financial services.

Plan Designation - Within the four Growth Areas established by the Cochise County Comprehensive Plan there are Plan Designations which classify land by either its present use or present or evolving character. These are further described in Article 4.

Planned Development – A planned development is land under unified control, planned and developed as part of an approved Master Development Plan. See Article 15.

Planning Director - The Director of the Cochise County Planning Department, also known as the County Zoning Inspector or designee.

Principal Use - The primary use and chief purpose of a lot or structure as distinguished from an accessory use or structure. A site may contain multiple "principal uses," each of which must meet the requirements of these Zoning Regulations, unless otherwise limited by individual Zoning Districts.

Recreational Facilities, Indoor and Outdoor - An area designed and equipped for active recreation, sports, or leisure time activities and other customary and similar activities for public or private use, including, but not limited to parks, baseball or softball diamonds, soccer and football fields, tennis courts, and roping and equestrian arenas. This does not include fairgrounds, amusement parks, zoos, or outdoor firearms, skeet, archery or trap-shooting ranges, unlighted facilities which are accessory to a permitted principal use or lighted roping arenas for private use which are allowed as accessory uses to a residential permitted principal use.

Recreational Vehicle - A vehicular type unit which is:

A. A portable camping trailer mounted on wheels and constructed with collapsible partial sidewalls which fold for towing by another vehicle and unfold for camping.

B. A motor home designed to provide temporary living quarters for recreational, camping or travel use and built on or permanently attached to a self-propelled motor vehicle chassis or on a chassis cab or van that is an integral part of the completed vehicle.

C. A park trailer built on a single chassis, mounted on wheels and designed to be connected to utilities necessary for operation of installed fixtures and appliances and has a gross trailer area of not less than 320-square feet not more than 400-square feet when it is set up, except that it does not include fifth wheel trailers.

D. A travel trailer mounted on wheels designed to provide temporary living quarters for recreational, camping or travel use and has a trailer area of less than 320-square feet including fifth wheel trailers.

E. A portable truck camper constructed to provide temporary living quarters for recreational, travel or camping use and consisting of a roof, floor and sides designed to be loaded onto and unloaded from the bed of a pickup truck.

F. Park models: Recreation Vehicle / Park Model (Destination) - A recreation vehicle which is designed for and is used for permanent residential use in a travel trailer/recreation vehicle park.

Recreational Vehicle Park - Any lot of land upon which three or more recreational vehicle sites are located, established or maintained for occupancy by recreational vehicles of the general public as temporary living quarters for recreation or vacation purposes. The park may also include tents and portable shelters.

Recycling Center - A permanent enclosed facility for the collection, temporary storage and processing of recyclable materials, for efficient shipment; this does not include a junkyard. Sale of parts is not permitted. Processing for efficient shipment includes, but is not limited to, baling, compacting, crushing, and flattening.

Recycling Drop-Off Receptacle - Accessory to a non-residential site; enclosed receptacles into which recyclable materials or clothing may be dropped off. These materials are to be picked up and removed from the premises to maintain a clean and orderly site. Vectors and pests are to be controlled and fugitive trash or debris is to be contained and collected on-site. Not to be used as a drop off of hazardous materials.

Recycling/Solid Waste Transfer Facility - A heavy commercial or industrial-scale facility in which materials are sorted, crushed, bundled, stored and/or distributed.

Regional Sewage Treatment Plants - A sanitary sewerage treatment facility, such as a municipal sewage treatment plant that is located on one property and provides sanitary sewerage treatment services to off-site properties. This does not include "package" plants operated by Owner Associations or Special Improvement Districts serving lots within an individual subdivision or master development plan area which shall be deemed local or "on-site" sewage treatment plants.

Repair Services, Large Engines - Services designed to repair large vehicles such as trucks with more than two axles, recreational vehicles, tractors, combines, and/or other large engines and may include incidental retail sales of parts.

Repair Services, Light - Services designed to repair items, such as watches, jewelry, furniture, electrical equipment, appliances, and clocks and may include incidental retail sales.

Repair Services, Small Engines - Services designed to repair vehicles with no more than two axles, recreational vehicles and/or other small engines and may include incidental retail sales.

Research and Testing Laboratories - Facilities for medical or scientific research and testing. Does not include facilities for the testing of equipment as a part of repair services and does not involve mass manufacture, fabrication, or retail sales.

Residential Care Home - A single-household dwelling licensed by the state which is used to provide housing and supervisory personal or custodial care services to not more than ten (10) persons residing on the site. The home is a single-household dwelling for the purposes of all county zoning ordinances and shall not be subject to non-residential site development standards, but shall require a use permit. A residential care home may include facilities for individuals who require special care for physical, mental, or emotional reasons including, as defined by the State of Arizona, adult care homes, adult foster homes, homes for the elderly, or the disabled and/or adult and juvenile group homes. This definition does not include an Offender Rehabilitation Facility. A residential care home may include a home for juveniles if it meets the criteria of Article 17.

The limitation of ten (10) or fewer persons does not include the operator of a residential care home, members of the operator's family or persons employed as staff, except that the total number of all persons living at the residential care home shall not exceed fourteen (14). Only one residential care home is allowed per parcel or site.

Residential Care Institution - An operation licensed by the state, which is used to provide housing and supervisory personal or custodial care services to more than ten (10) persons residing on the site. A residential care institution may include facilities for individuals who require special care for physical, mental, or emotional reasons including, as defined by the State of Arizona, adult care homes, adult foster homes, homes for the elderly, or the disabled and/or adult and juvenile group homes. This definition does not include an Offender Rehabilitation Facility. A residential care institution may include a home for juveniles that meet the criteria of Article 17.

Restaurants, Bars, Taverns, Nightclubs and Off-Site Winery Tasting Rooms - An establishment which prepares and serves food and/or beverages on a commercial basis, and may include entertainment.

Retail Sales/Rentals - All sales of products for their final consumers. May include light manufacturing or assembling incidental to retail sales from the premises provided that not more than forty percent of the floor area occupied by such business is used for manufacturing, processing, assembling, treatment, installation, and repair of products.

Retaining Wall – A man-made structure for the purpose of retaining soils or other materials for the purpose of stabilization of the soil or other materials. Minimum setbacks are not required for retaining walls.

Riding Stables, Commercial - Facilities for the boarding, exercise, and/or rental of horses on a commercial basis.

Right-of-Way (ROW) or Utility Easement– An easement or servitude over another's land conferring a right of passage, particular use, or predetermined type of construction including but not limited to electrical transmission line, water or sewerage conveyance systems, drainage structures or natural gas pipelines.

Roomers - Persons not a part of a principal household who reside in a dwelling on a paid or charitable basis.

Screening – Includes solid walls and fences, or any combination thereof that cannot be seen through, and are a minimum of 6-feet in height from grade. The screen shall be constructed out of standard materials or other acceptable materials approved by the County Zoning Inspector. An existing vegetative screen on the subject site may be approved by the County Zoning Inspector if it meets the intent of creating a solid screen.

Setback - The horizontal distance between the property line or road travelway and the foundation, wall or main frame of any building or structure, and between the property line and the outer perimeter of any outdoor area significantly involved in the use or activity of the site, including non-residential sales, rental, display, or storage areas. No structure/use permitted herein shall limit the rights of the owner of any underlying easements which burden a particular site from utilizing their easement.

Shopping Center - A unified development on a single site which contains a variety of business, service, and retail uses, and which has common ingress and egress, parking and drives.

Sign – Defined in Article 19.

Site - All actual land used, developed, intended to be developed or occupied for a use or group of uses, to include its buildings, structures, storage and service areas, streets, driveways, and any required setbacks around the perimeter of such land. In most cases, a site will be a single lot or parcel of record; however, a site may also be a portion of a lot or parcel, or even an aggregation of lots or parcels, whether under single or multiple ownership.

Site, Abutting - A site touching the boundary of the site proposed for a use.

Site Area, Minimum - The minimum area of a site upon which a specific use(s) may be permitted. Easements may be included in the calculation of the minimum site area. Property that is transferred in fee simple to the public or to the County, as necessary to perfect adequate right-of-way for those roadways depicted on the Cochise County Maintained Road System Map, may also be included in the calculation of the minimum site area. A permit may be issued if the minimum site area deficiency can be attributed to surveyor error as denoted in the table below.

Zoning:	Density:	Square Feet:	Margin of Error (Square feet) (.00125):	Minimum Parcel Size (Square Feet):	Minimum Parcel Size (Acres)
RU					
	RU-2	87,120	108.90	87,011.10	1.9975
	RU-4	174,240	217.80	174,022.20	3.9950
	RU-10	435,600	544.50	435,055.50	9.9875
	RU-18	784,080	980.10	783,099.90	17.9775
	RU-36	1,568,160	1,960.20	1,566,199.80	35.9550

R					
	R-9	9,000	11.25	8,988.75	0.2064
	R-18	18,000	22.50	17,977.50	0.4127
	R-36	36,000	45.00	35,955.00	0.8254
SM					
	SM-9	9,000	11.25	8,988.75	0.2064
	SM-18	18,000	22.50	17,977.50	0.4127
	SM-36	36,000	45.00	35,955.00	0.8254
	SM-87	87,120	108.90	87,011.10	1.9975
	SM-174	174,240	217.80	174,022.20	3.9950
	SM-10 Acres	435,600	544.50	435,055.50	9.9875
	SM-18 Acres	784,080	980.10	783,099.90	17.9775
	SM-36 Acres	1,568,160	1,960.20	1,566,199.80	35.9550
SR					
	SR-8	8,000	10.00	7,990.00	0.1834
	SR-12	12,000	15.00	11,985.00	0.2751
	SR-22	22,000	27.50	21,972.50	0.5044
	SR-43	43,560	54.45	43,505.55	0.9988
	SR-87	87,120	108.90	87,011.10	1.9975
	SR-174	174,240	217.80	174,022.20	3.9950
	SR-10 Acres	435,600	544.50	435,055.50	9.9875
	SR-18 Acres	784,080	980.10	783,099.90	17.9775
	SR-36 Acres	1,568,160	1,960.20	1,566,199.80	35.9550
MR					
	MR-1 or 2	3,600	4.50	3,595.50	0.0825

Site Coverage - The total percentage of the site covered with structures, buildings, paving, and impervious surfaces other than landscaping, gravel, walls, and fences.

Slaughterhouse/Meat Packing Plant – A facility for the slaughtering, refining, processing, storage and distribution of animals and animal byproducts.

Solar Energy System - A device or devices, structural design feature, series of mechanisms, or combinations thereof, designed for the primary purpose of producing electrical or mechanical power for use primarily on premises; some conveyance of electricity to the grid is allowed.

Solar Energy Power Plant - A commercial-scale solar energy system, the purpose of which is to supply solar-generated electricity to off-site consumers; accessory structures may include buildings, substations and associated electrical infrastructure. The term does not include stand-alone, small scale Solar Energy Systems for on-site residential or agricultural use.

Solid Waste Landfill - A site approved by the State for the collection and/or disposal of non-hazardous solid wastes.

Special Use Authorization - A land use which has been approved by the Planning Commission as a Special Use according to the procedures and criteria set forth in Article 17 herein.

Storage Area, Outdoor - Any storage of objects or materials which is located outside the confines of a building. Outdoor storage does not include merchandise within an outdoor display area. Non-residential outdoor storage does not include vehicles awaiting repair.

Street - A public or private thoroughfare used, or intended to be used, for passage or travel by motor vehicles.

Street, Arterial - A street with the principal function of maintaining through traffic flow, separate from local traffic, to and from areas of principal traffic generation and designed for high volumes and high speeds of traffic. Efficient movement is the primary function of the arterial streets; hence, there is limited access to and from local streets and individual parcels. Arterial streets shall include all State and Federal routes and those that are classified as such on an adopted traffic circulation plan or master plan.

Street, Collector - A street that conducts and distributes traffic from arterial streets to lower volume local streets. Collector streets shall include section-line and mid-section-line streets, unless they are functioning or intended to function as arterials or local streets, and any street so designated on an adopted traffic circulation plan or master plan.

Street, Local - A street that functions to serve direct access to individual parcels or a street so designated on an adopted traffic circulation plan or master plan.

Structure - Anything constructed or erected with fixed location on the ground, or attached to something having a fixed location on the ground, including, but not limited to buildings, towers, swimming pools carports, signs, and billboards.

Structure, Temporary - Anything constructed, placed, or erected that is readily movable and is used or intended to be used for a limited period of time. Such temporary structure shall be subject to all applicable requirements of these Zoning Regulations for the Zoning District in which it is located.

Substandard Lot - A lot that does not meet the minimum site area requirements for the Zoning District in which the lot is located. Permits may not be issued for a substandard lot that is not legal nonconforming, unless the non-conformance is resolved through a Rezoning or Administrative Lot Modification.

Swap Meets - A non-residential use outdoors or within a building in which stalls or sales areas are set aside, and rented or otherwise provided, and which are intended for use by various unrelated individuals to sell articles on a recurring basis.

Terminals/ Bus, Truck and Rail - Facilities for the storage, dispatching, loading, and unloading of buses, trucks or trains and includes facilities for incidental repair and maintenance of vehicles associated with the principal use, and for the temporary impoundment of operational vehicles.

Transient Camps/Migrant Labor Camps - Facilities for the temporary or long-term lodging of transients or migrants, whether in permanent quarters or temporary structures, and permanent or temporary facilities for lodging migrant laborers.

Travelway – The physical portion of a public or private road or easement used by vehicles for access, not including private driveways. In the case of a road which includes defined shoulders, the paved shoulder is included in the travelway.

Truck Stops - Buildings or premises in which or upon which a business, service or industry involving the maintenance, servicing, storage or repair of commercial vehicles is conducted or rendered including the dispensing of motor fuel or petroleum products directly into motor vehicles, the sale of accessories or equipment for trucks and similar commercial vehicles. A truck stop may also include overnight accommodation, convenience store, and restaurant facilities.

Use - The purpose for which land or a building is occupied, maintained, arranged or intended.

Use, Non-Residential - The use of land for a purpose other than single-household dwelling units.

Variance - A deferral, modification or waiver of the terms of these Zoning Regulations granted by the appropriate Board of Adjustment pursuant to Article 21 of these Zoning Regulations.

Wall - See definition of Fence.

Welfare and Charitable Services - Services operated by public agencies or private associations for the benefit of the needy, or for mental, behavioral, medical, or protective assistance for the public benefit.

Wholesaling, Warehousing, Distribution or Storage – The sale or storage of products.

Wind Energy Power Plant - A utility-scale Wind Energy System, the primary purpose of which is to supply electricity to off-site consumers, consisting of a network of Wind Turbines and accessory structures and buildings, including substations, anemometers, and associated electrical infrastructure. The term does not include stand-alone, small-scale Wind Energy Systems for on-site residential or agricultural use which feed residual power into the electrical grid, as defined by the Arizona Corporation Commission.

Wind Energy System - A system which uses one or more wind turbines, batteries, power inverters and other associated components to convert the kinetic energy of the wind into electricity for use by consumers. Wind energy systems consisting of one or more Wind Turbines may provide power to one or more residences, well pumps, or accessory structures on the same parcel on which they are sited.

Wind Turbine – The portion of a Wind Energy System that converts the kinetic energy of the wind into electricity. Wind Turbines may be freestanding or mounted onto a structure. Wind Turbines are the main components of a Wind Energy System, which may include more than one turbine.

Winery, Farm – An on-site agricultural processing service in which grapes grown on-site are processed into wine, not to exceed 40,000 gallons per year.

Winery, Small Production – An agricultural processing service in which grapes grown off-site are processed into wine, not to exceed 40,000 gallons per year.

Winery, Large Production - An agricultural processing service in which grapes grown on-site or off-site are processed into wine, in quantities greater than 40,000 gallons per year.

Winery Tasting Room – A building or portion thereof, subordinate in size and accessory to a Farm vineyard, Farm Winery, Small Production Winery or Large Production Winery operation, in which wine may be sampled for purchase. A Winery Tasting Room may also include incidental retail sales of wine and related products.

Yard Sale - A sale of items conducted on a residential site and incidental to the principal dwelling. Yard sales shall be held on an infrequent or occasional basis only, and shall not constitute a business.

Zoning District- One of the zoning classifications established in Article 5 of these Zoning Regulations, or any contiguous area of land having the same zoning classification.

Zoning District, Commercial - Any NB (Neighborhood Business) or GB (General Business) Zoning District.

Zoning District, Industrial - Any LI (Light Industrial) or HI (Heavy Industrial) Zoning District.

Zoning District, Residential - Any SR (Single-Household), SM (Single-Household/Manufactured Home), MR (Multiple-Household), or R (Residential) Zoning District or RU (Rural) Zoning District designated by the Comprehensive Plan with a Rural Residential designation.

Zoning Inspector, County - The Cochise County Planning Director or duly authorized representative.

ARTICLE 3

GENERAL PROVISIONS

301 General Rules

301.01 Language of Regulations

The word “shall” is mandatory and the word “may” is permissive.

The word “person” includes a firm, association, organization, partnership, trust, company, corporation, or other similar legal entity as well as an individual.

When not inconsistent with the context, the present tense includes the future tense, the singular number includes the plural number, and the plural number includes the singular number.

301.02 Fractional Numbers

Except for determining "acreage" area, whenever a fraction of a number or unit is one-half or more, and whenever a fraction of a number or unit resulting in computation is one-half or more, said fraction shall be considered as the next higher whole number or units. Where the fraction is less than one-half, said fraction shall not be considered in determining the number.

301.03 Land Use Classification

Pertaining to the classification of uses, the standard system for identifying and coding land use activities found in "Standard Land Use Coding Manual," U.S. Department of Transportation, Washington, D.C., as amended, shall be used as a reference for determining the use of land unless uses are otherwise classified in these Zoning Regulations.

301.04 Definitions

Unless a term is specifically defined in Article 2 or elsewhere in these Zoning Regulations, the common definition as contained in Miriam-Webster’s Online Dictionary (http://www.merriam-webster.com/dictionary) or similar standard dictionaries will be used.

302 Conformance Mandatory

No structure shall be used, constructed, altered, or moved, nor shall any land be used or improved unless exempted by these Zoning Regulations.

303 Resolution of Disputes

In any dispute concerning these Zoning Regulations, that resolution shall be favored which is more reasonable with regard to the purposes of these Zoning Regulations, and established and accepted principles of Arizona and United States Planning and Zoning law.

304 Special Privileges Forbidden

No special privileges shall be granted to any person under the terms of these Zoning Regulations.

305 Minimum Requirements

The provisions of these Zoning Regulations shall be the mandatory minimum requirements, unless otherwise stated. Whenever these Zoning Regulations impose a greater restriction than is required by other provisions of law, the provisions of these Zoning Regulations shall prevail.

306 Private Agreements

The provisions of these Zoning Regulations shall apply independently of any easement, covenant, deed restriction, or other agreement between private persons except as addressed in Article 20, or as noted in these Zoning Regulations.

307 Non-Permitted Uses

Any use not permitted in a district, either as a permitted use or as a special use, shall be permitted only if it reasonably fits under the generic category of uses and is not otherwise excepted therefrom.

ARTICLE 4

PLAN AREA DESIGNATIONS AND MASTER DEVELOPMENT PLANS

401 Plan Area Categories & Designations

The following Area categories and Plan Designations are hereby established, the boundaries of which are set forth on the Land Use Plan Maps of the Comprehensive Plan, incorporated herein by reference:

401.01 There are six (6) categories of Areas.

A. Category A – Urban Growth Areas
B. Category B – Community Growth Areas
C. Category C – Rural Community Areas
D. Category D – Rural Areas
E. Master Development Plan (MDP) Areas
F. Community/Neighborhood Area Plan Areas

401.02 Plan Designations

As contained in the Cochise County Comprehensive Plan, there are seven (7) Plan Designations, each of which may occur in the categories indicated.

A. Neighborhood Conservation (NC) (Categories A, B & C)
B. Enterprise (ENT) (Categories A,B & C)
C. Developing (DEV) (Categories A,B & C)
D. Neighborhood Rehabilitation (NR) (Categories A, B & C)
E. Enterprise Redevelopment (ER) (Categories A, B, & C)
F. Rural Residential (RR) (Category D)
G. Rural (R) (Category D)

401.03 Plan Designations

Other Plan Areas, including Master Development Plans, community/neighborhood area plans, and specific area plans may be established. These may either replace existing plan designations identified in this Section in total, or may include specific policies, elements, or standards that modify, replace or supersede other general requirements. These Plan Areas may contain elements that address specific land use(s), including, but not limited to, types of development, such as cluster/compact development, housing, circulation and transportation, recreation, public safety services and facilities, historic preservation, water conservation, agricultural/farmland preservation, open space and natural resources.

402 Declaration

The Plan Designations identified herein comprise the broad parameters for land use delineated in the Cochise County Comprehensive Plan, within which the orderly and well-planned growth and conservation of resources within the unincorporated areas of Cochise County may occur. Zoning District formation shall be consistent with the character of the Plan Designation or Area in which the site is located. No application will be accepted and no public hearing will be scheduled to consider any proposed Zoning amendment that is not consistent with the applicable plan designation. Therefore, public hearings to consider Zoning changes shall be granted only for those Zoning Districts listed below as being permitted in the applicable plan designation, unless otherwise provided for pursuant to an adopted community plan, area plan, neighborhood plan, or master development plan, or unless an appropriate plan amendment is submitted in conjunction with the proposed Zoning change. The Zoning Districts authorized within each respective plan or area designation are as follows:

Plan Designation	**Permitted Zoning Districts**
Neighborhood Conservation (NC)	R-36, R-18, R-9,NB, SM-36, SM-18, SM-9, SR-43, SR-22, SR-12, SR-8, MR-1, MR-2
Enterprise (ENT)	NB, GB, LI, HI
Developing (DEV)	RU-2, R-36, R-18, R-9, SM-87, SM-36, SM-18, SM-9, SR-87, SR-43, SR-22, SR-12, SR-8, MR-1, MR-2, NB, GB, LI, HI
Neighborhood Rehabilitation (NR)	Same as NC
Enterprise Redevelopment (ER)	Same as ENT
Rural Residential (RR)	RU-36, RU-18, RU-10, RU-4, RU-2, SM-36 Acres, SM-18 Acres, SM-10 acres, SM-174, SM-87, SR-36 Acres, SR-18 Acres, SR-10 acres, SR-174 (4-acres), SR-87 (2-acres)
Rural (R)	RU-36, RU-18, RU-10, RU-4, RU-2, SM-36 Acres, SM-18 Acres, SM-10 acres, SM-174(4-acres), SM-87 (2-acres), SR-36 Acres, SR-18 Acres, SR-10 acres, SR-174, SR-87, HI

403 Identifying Plan Areas by Growth Area Category

The following principles shall be used as official guides in identifying plan areas as Category A (Urban Growth), Category B (Community Growth), Category C (Rural Community Growth), or Category D (Rural):

403.01 Identifying Plan Areas as Urban Growth (Category A)

A. The area has established or planned residential and/or non-residential development, and has the potential to be annexed by an abutting incorporated city.

B. The area can be adequately served by an adjacent community sewer system, potable water system, and fire district.

C. Average residential lot sizes are less than one acre in size.

D. The area provides major regional commercial and other non-residential services.

E. Street improvements and urban site development standards (e.g. limitations on residential outdoor storage and requirements for asphaltic parking areas) are appropriate.

F. The area has the potential for or is currently served by adequate drainage, transportation and K-12 school systems, as well as organized recreational facilities that can serve high-density development.

403.02 Identifying Plan Areas as Community Growth (Category B)

A. The area to be designated has a moderate level of residential and/or non-residential growth.

B. The area serves as a logical transition between urban growth and rural areas and/or has a distinctive community identity. It may serve as a commercial center or "townsite" for a rural community.

C. The area has adequate water, access, drainage, and sewage disposal capability to accommodate medium to high density development.

D. In general, residential lot sizes are one-acre or less in size but may transition to larger lot sizes at the fringes of the area. Lots may have access to an on-site or off-site sewer facility, potable water and are commonly found in established subdivisions and manufactured/mobile home parks or historic town sites.

E. Improved streets designated as arterial or collectors can support limited non-residential development.

F. There is substantial potential for further development along with opportunities to preserve undeveloped land such as open space and washes.

403.03 Identifying Plan Areas as Rural Community (Category C)

A. Residential and non-residential development is clustered in settlements on a variety of lot sizes as typified in established townsites and immediate environs.

B. Other than arterials and collectors, roads are generally unimproved. However, increases in residential and non-residential development will likely warrant improvements, such as paving, in the future.

C. Farming and ranching are prevalent activities adjacent to these areas.

D. Non-residential enterprises generally serve the rural/agricultural community as well as visitors passing through, if located on a major arterial road.

403.04 Identifying Plan Areas as Rural (Category D)

A. The outlying rural areas between cities and unincorporated communities, characterized by a low rate of growth; unimproved roads; low density, large lot rural residential development; agricultural production; and large tracts of undeveloped private and public lands.

B. The area does not currently meet the criteria for inclusion in either A, B, or C Growth Areas.

404 Guiding Principles for Amending Plan Designations

The following principles shall be used as official guides in determining whether or not a plan designation shall be amended:

404.01 Designating Areas as Neighborhood Conservation (NC)

A. The area to be designated as Neighborhood Conservation must be included in a Category A, B, or C Growth Area, established or enlarged in accordance with Subsections 403.01, 403.02, or 403.03.

B. The area to be designated is a developed residential neighborhood that needs protection from non-residential uses; or

C. The area is an approved subdivision for which all required improvements are in place and constructed to minimum County standards.

404.02 Designating Areas as Enterprise (ENT)

A. The area to be designated as Enterprise must be included in a Category A, B, or C Growth Area, established or enlarged in accordance with Subsections 403.01, 403.02, or 403.03.

B. The majority of land uses in the area to be designated are commercial or industrial enterprises.

C. Enterprise development has reached the level whereby additional residential growth within the area to be designated is undesirable to the parties in interest.

D. The area to be designated contains, or can provide, sufficient dedicated public access, improved to County standards, to carry traffic that will be generated by and to such area.

E. The carrying capacity of the land can accommodate enterprise uses.

404.03 Designating Areas as Developing (DEV)

A. The area to be designated as Developing must be included in a Category A, B, or C Growth Area, established or enlarged in accordance with Subsections 403.01, 403.02, 403.03.

B. Lands that are developed with scattered, mixed residential, business or industrial and agriculture-related uses and that ultimately will accommodate future growth as the more populated areas reach build-out.

404.04 Designating Areas as Neighborhood Rehabilitation (NR)

A. The area to be designated is within a Category A, B or C Growth Area.

B. The area is a residential neighborhood with a high number of deteriorating dwellings.

C. The infrastructure of the area is unable to provide for adequate public health, safety, welfare, and general convenience.

D. There is community interest in improving the area.

E. Some flexibility in site development and building code standards may be appropriate to facilitate improvements (see Article 17 - Lot Development Administrative Modifications).

404.05 Designating Areas as Enterprise Redevelopment (ER)

A. The area to be designated is within Category A, B, or C Growth Area.

B. The area is:

   1. Comprised of a high number of deteriorating enterprise uses; and/or

   2. Has a large number of incompatible neighborhood and enterprise uses that are deteriorating.

C. The infrastructure of the area is unable to provide for adequate public health, safety, welfare, and general convenience.

D. There is some existing community interest in improving the area.

E. Some flexibility in site development and building code standards may be appropriate to facilitate improvements (see Article 17 - Lot Development Administrative Modifications).

404.06 Designating Areas as Rural Residential (RR)

The "Rural Residential" (RR) plan designation is used to describe areas in Category D (Rural) areas with a definite pattern of residential development on larger lots, two-acres or larger in size. Due to the well-established residential character of these areas, rezonings or special uses to allow for more intensive developments that do not directly serve the residents of these areas are not generally appropriate. Less intensive businesses that serve area residents may be appropriate.

404.07 Designating Areas as Rural (R)

Areas designated as "Rural" are identified as those remaining lands in Category D Rural Areas that are not designated Rural Residential. They are identified by one or more of the following characteristics: sparsely populated; larger lot sizes; agricultural production or grazing; availability of sites large enough for intensive industrial uses that cannot be accommodated in other growth areas; large expanses of private and public lands; and/or have developed and undeveloped recreational resources.

405 Major Amendments – Definition

An amendment to the Comprehensive Plan shall be considered a "major amendment" if it would result in a substantial alteration of the County's land use mixture or balance as established in the existing Comprehensive Plan land use element for that area of the County.

A "substantial alteration" is defined as an amendment of the Comprehensive Plan that would result in an increase in the potential densities or intensities of uses for an area of two thousand-acres or more.

406 Master Development Plans

406.01 Definition

A Master Development Plan is a duly adopted component of the Cochise County Comprehensive Plan that provides a detailed plan for the coordinated development of a specific area. A master development plan will address, at a minimum: basic densities and water adequacy; specific future land uses and boundaries thereof; the general character, extent, and location of major thoroughfares, collector streets, and other modes of transportation; major drainageways and flood control structures; open space; schools, parks, utility installation and community facilities as applicable, for a designated area of Cochise County.

406.02 Purpose

While growth category and community/neighborhood plan boundaries seek to guide growth and establish policies around and within existing rural service communities and urban areas, the purpose of a master development plan is to establish County policy regarding future development of a specific area warranting more detailed planning. The adoption of a master development plan by the Board of Supervisors will serve as an amendment to the Comprehensive Plan and will replace the existing, underlying growth category and plan designations for the property or properties that it addresses. Master Development Plans shall be required if one or more of the following are proposed:

A. A proposed change of an existing Growth Category D, Rural Area, or Rural Residential designation, to be applicable to an area that is not contiguous to an existing Growth Category A, B, or C area. This does not include amendments initiated by the Planning Commission.

B. A proposed Zoning amendment for 10-acres or more, if the amendment includes a mixture of new residential and non-residential Zoning Districts.

C. A proposed Zoning amendment in Category A, B and C Growth Areas for 160-acres or more where the proposed gross density, will be greater than one residence per acre.

D. A proposed Zoning amendment that includes a Planned Development (PD) Zoning District (see Article 15).

E. A proposed rezoning to Heavy Industry (HI) in a Category D area that has the potential to include more than one principal use.

F. A proposed major amendment to the Comprehensive Plan that is submitted for the purpose of authorizing one or more development projects. This does not include major amendments initiated by the Planning Commission.

406.03 Limitations

Master Development Plans shall not be adopted if they are incompatible with adjacent categories and designations, or the policies of adopted community/neighborhood area plans, where applicable.

406.04 Status of Master Development Plan

A. Master Development Plans constitute official guides for the Planning Commission, Board of Supervisors, and all County officials and agencies for accomplishing a coordinated, orderly, and well-planned development of specific unincorporated areas through Zoning Regulations, subdivision design regulations, floodplain regulations, establishment of setback lines, road alignments, land use locations, and other methods provided by law.

B. Master Development Plans constitute official notice to all agencies and to the general public of the general lands for development of the designated area.

C. All development within an approved master development plan area shall be substantially in conformance with the provisions of that plan.

D. All development within an approved master development plan area shall conform to all site development standards, and the Cochise County subdivision regulations, as applicable, unless specifically waived or modified by the Board of Supervisors in the approval of the master development plan.

406.05 Effect of Master Development Plans Upon Zoning Changes and Subdivision Plat Approvals

In amending Zoning classifications, changing Zoning District boundaries, or approving subdivision plats for properties included within an adopted master development plan, the Planning Commission and Board of Supervisors may allow minor variations from that adopted plan for Zoning District boundaries, exact land use classification, or the exact character, extent and location of major thoroughfares, collector streets, drainageways, structures, open space, schools, parks, and other community facilities. However, in allowing these minor variations, the Planning Commission and Board of Supervisors shall not alter the policy set by the master development plan with regard to basic densities, general boundaries of the various land use districts, and the general character, extent and location of the major thoroughfares, collector streets, drainageways, structures, open space, schools, parks, and other community facilities. In the event that the Planning Commission and Board of Supervisors desire to alter the policy set by a master development plan, they may amend the plan by following the procedures set forth in Section 407 herein. Zoning amendments which conform to adopted Master Development Plans shall not be considered "spot" Zoning.

406.06 Submittal Requirements for Master Development Plans

A. The Applicant shall submit a master development plan map, drawn at a scale of either 50, 100, or 200-feet to one-inch, or at a scale approved by the County Zoning Inspector, which provides the following information:

1. Title of the development, a legal description of the property, parcel number(s), name of the developer and registered land surveyor or engineer, date of the plan, a north arrow, and scale.
2. A vicinity map showing the general location of the property, development and any incorporated city boundaries within 3-miles of the development.
3. Boundary lines and ties to at least two section corners or quarter corners, and dimensions of plan area boundaries. Section lines and mid-section lines shall be clearly designated.
4. Existing land uses, existing zoning status, roads, and wash corridors within the designated area and within one-quarter (¼) mile of the proposed plan area.
5. Proposed sizes of the various types of lots or parcels to be developed (acreage or square footage).
6. General topography, at 10-foot contour intervals, all drainageways having a contributing drainage area of 150-acres or more, and all flood hazard zones.
7. Major street layout, including: existing major thoroughfares serving, traversing, abutting, or otherwise affecting or affected by the proposed plan area; proposed collector and arterial streets; existing easements and rights-of-way within the plan area.
8. If more than one Zoning District is proposed, the boundaries of the different Zoning Districts.
9. Locations of proposed and existing structures, land use locations, major off-street parking and loading areas, open space, trail circulation systems, public facilities such as schools, parks or other recreation opportunities as applicable and approximate densities.
10. General location of utilities, easements and other service facilities.
11. Intended phasing of the development, if applicable.

B. The master development plan map shall be accompanied by a written report, to be adopted as a part of the master development plan that includes the following information:

1. Methods of screening and buffering, where incompatible land use configurations necessitate protection for the proposed development or surrounding development.
2. Provisions for creation, use, and maintenance of open space, recreation areas, habitat preservation, and/or scenic features of the land.
3. General provisions for pedestrian, bicycle, and equestrian circulation throughout the development.
4. Statement specifying how roads, State-approved waste disposal, water supply, fire protection, and utilities will be provided, with approximate timing and location, including closest sewer and community waterlines and capacity to serve this development.
5. Statement specifying how amenities are to be provided (sidewalks, open space, parks, recreational facilities, streetlights, curb and gutter, landscaping) including approximate timing and location.
6. Statement of general kinds of development standards intended to be controlled through deed restrictions (i.e., architectural design, building height, construction materials,

common area development, and the maintenance, landscaping, screening, and buffering of individual sites).

7. Statement of the projected population and anticipated impact of the development upon existing regional utilities and community facilities and services including, but not limited to water, electricity, sewer and solid waste disposal, schools and parks, police and fire protection.

8. An Analysis of Adequate Water Supply, issued by the Arizona Department of Water Resources, determining that sufficient water is physically available to meet the water demands of the development, or a commitment to provide water service to the development by a water provider designated by the Arizona Department of Water Resources as having an adequate water supply.

9. Projected trip generation for the entire project at completion. If projected trip generation is of sufficient magnitude to significantly increase traffic, thereby reducing the level of service on one or more abutting or surrounding streets, or where existing demonstrable traffic problems have already been identified such as high number of accidents, substandard road design or surface, or the road is near, at, or over capacity, a traffic impact study including the following additional information is necessary:

    a. Survey of thoroughfares, existing and planned, within at least one-half mile of the proposed plan area and may extend to collector and arterial streets serving the site.

    b. Consolidation of existing traffic data; estimates of future traffic.

    c. Trip assignments and their effect on traffic flow along streets serving the site.

    d. Proposed thoroughfare alignments, capacities, signalization requirements, lanes, and intersection configurations.

    e. Timing and methods of rights-of-way improvements as necessary to serve projected traffic loads.

    f. Current level of improvement of major routes serving the site (i.e. built to County standards).

    g. An inventory and analysis of off-site improvements to be made, with approximate timing for each phasing.

    h. Provisions for controlling access to major streets.

10. Provisions for water conservation measures such as effluent re-use, recharge facilities, gray water systems, water harvesting systems, low-flow fixtures and appliances, deed restrictions governing water use, drought-tolerant landscaping including turf limitations, low flow irrigation, or others.

11. Soils analyses for any proposed plan area shown on the most recent soil survey (USDA, Natural Resources Conservation Service) as containing soils having moderate to severe erosion hazards or corrosivity.

12. 3-Dimensional renderings of the development proposal overlaid onto aerials or maps showing the visual context of the proposed development in relation to existing development and/or staking when appropriate to evaluate impact on views.

13. Statement of development, or phases, not to exceed 5-years from approval unless otherwise approved by the Board of Supervisors.

C. Certain submittal requirements in Sections A and B may be waived upon a determination by the County Zoning Inspector that they are not applicable or necessary to the proposed application.

407 Procedures for Amendments to Comprehensive Plan

407.01 Pre-Application and Public Participation Requirements

Applicants proposing any amendment to the Comprehensive Plan, including Master Development Plans, will be required to follow the procedures as stated in the Cochise County Comprehensive Plan under "Public Participation Requirements for Comprehensive Plan Amendments". If the Comprehensive Plan amendment also includes a proposal to amend Zoning District boundaries, then the notification requirements set forth in Article 22 of these Zoning Regulations shall be applied instead.

407.02 Public Participation Report Submittal Requirements

A report documenting the Public Participation Process shall be required as part of the application for amendments to the Comprehensive Plan. This report shall, at a minimum, include: copies of notices; copies of all information provided to the public; any responses received from the public during this process; and a description of how the Applicant responded to this feedback.

407.03 Planning Commission and Board Actions

Applications for amendments to the Comprehensive Plan, including master development plans, shall be made to the Planning Commission on a form provided by the County Zoning Inspector, and shall be accompanied by the appropriate fee as set forth in the adopted Planning and Zoning Fee Schedule, Public Participation Report, Master Development Plan, if applicable, and supporting documentation. The Planning Commission may initiate amendments to the Comprehensive Plan upon its own motion.

407.04 Before approval of any change to the Comprehensive Plan, the Planning Commission shall hold at least one public hearing thereon, after giving at least 15-days notice by publication once in a newspaper of general circulation in the county seat. In addition, the notice shall be published in a newspaper of general circulation in the area to be affected, or adjacent thereto, if the area affected is other than the county seat. A recommendation of approval by the Planning Commission shall require the affirmative vote of a majority of the members present.

407.05 At this hearing, the Planning Commission shall determine if the proposed amendment is consistent with the adopted goals and policies of the Cochise County Comprehensive Plan. The Planning Commission may recommend that the proposed amendment be approved as submitted, that it be modified or conditioned, or that it be rejected in whole or in part.

407.06 Pursuant to Arizona Revised Statutes, 60-days prior to the Board of Supervisors meeting, the Community Development Department shall transmit a formal notice of any major amendment or plan element to:

A. The Board of Supervisors;

B. All municipalities in the county;

C. Each other county that is contiguous to the county;

D. The regional planning agency in the county (Southeastern Arizona Government Organization (SEAGO));

E. The Department of Commerce or any other state agency that is subsequently designated as the general planning agency for this state;

F. Any person or entity that requests in writing to receive a review copy of the proposal;

G. The military airport if the Comprehensive Plan or a portion, element or amendment of the Comprehensive Plan is applicable to territory in the vicinity of a military airport as defined by Arizona Revised Statutes.

407.07 After the Planning Commission makes its recommendation on an amendment to the Comprehensive Plan, the application shall be submitted to the Board of Supervisors for its consideration and official action. The Board of Supervisors shall hold one public hearing at which residents of the affected area and other members of the public shall be heard. At least 15 days notice of the hearing shall be given by publication once in a newspaper of general circulation in the county seat. The Board shall consider protests and objections to the plan. The Board may adopt the plan as presented, impose conditions or modifications, or reject it in whole or in part. All proposed major amendments, as defined previously (Section 405), for a given calendar year shall be presented to the Board of Supervisors, with the recommendations from the Planning Commission, at a single public hearing, to be held during the last quarter of each calendar year. Applications for major amendments will only be accepted from the first business day in January to the last business day of August in order to allow for proper public notice, analysis, and deliberation at this hearing.

407.08 A community/neighborhood area plan or master development plan may be amended by the same procedure as are herein established for its adoption.

407.09 Schedule of Development

The Board of Supervisors may approve a master development plan conditioned upon a schedule for the development of the specific use or uses, and associated improvements designated in the plan. This schedule shall not exceed five-years unless specifically authorized by the Board. If, at the expiration of any designated term, the developer has failed to comply with the applicable conditions, the Board shall schedule a public hearing to consider granting an extension, establishing an amended compliance schedule for development, or revoking approval of the master development plan. The owner or Applicant who requested plan approval, or any successor in interest, shall be notified of the hearing by registered mail.

407.10 Revocation of a Master Development Plan

If the Board revokes its approval of a master development plan, the plan shall no longer provide a basis for any future development. If the developer has completed certain phases of the project as required by the approved plan, any such specific areas shall continue to be subject to the applicable, approved uses, densities, site development standards, and conditions of the master development plan. All uncompleted phases will be subject to the plan area, category, site development standards and densities of the original Zoning District, as if the master development plan had never been implemented, until such time that a new Comprehensive Plan amendment is adopted and/or new Zoning District is approved.

ARTICLE 5

ZONING DISTRICTS, MAPS, AND BOUNDARIES

501 Establishment of Zoning Districts

The following Zoning Districts are re-established or established:

501.01 RU-36, Rural District
501.02 RU-18, Rural District
501.03 RU-10, Rural District
501.04 RU-4, Rural District
501.05 RU-2, Rural District
501.06 R-36, Residential District
501.07 R-18, Residential District
501.08 R-9, Residential District
501.09 SM-36 Acres, Single-Household/Manufactured Home Residential District
501.10 SM-18 Acres, Single-Household/Manufactured Home Residential District
501.11 SM-10 Acres, Single-Household/Manufactured Home Residential District
501.12 SM-174 (4-acres), Single-Household/Manufactured Home Residential District
501.13 SM-87 (2-acres), Single-Household/Manufactured Home Residential District
501.14 SM-36, Single-Household/Manufactured Home Residential District
501.15 SM-18, Single-Household/Manufactured Home Residential District
501.16 SM-9, Single-Household/Manufactured Home Residential District
501.17 SR-36 Acres, Single-Household Residential District
501.18 SR-18 Acres, Single-Household Residential District
501.19 SR-10 Acres, Single-Household Residential District
501.20 SR-174 (4-acres), Single-Household Residential District
501.21 SR-87 (2-acres), Single-Household Residential District
501.22 SR-43, Single-Household Residential District
501.23 SR-22, Single-Household Residential District
501.24 SR-12, Single-Household Residential District
501.25 SR-8, Single-Household Residential District
501.26 MR-1, Multiple-Household Residential District
501.27 MR-2, Multiple-Household Residential District
501.28 NB, Neighborhood Business District

501.29 GB, General Business District

501.30 LI, Light Industry District

501.31 HI, Heavy Industry District

501.32 PD, Planned Development District

501.33 MT, Major Thoroughfare District (Overlay District)

501.34 Sierra Vista Sub-watershed Water Conservation Overlay District

502 Zoning District Maps

The boundaries of the Zoning Districts established by these Zoning Regulations shall be those shown on the maps entitled "Official Cochise County Zoning District Map" (adopted January 1, 1975, and as thereafter amended).

503 Boundary Determination

Where uncertainty exists with respect to the boundaries of any Zoning District as shown on the Zoning District Maps, the following rules shall apply:

503.01 Boundaries indicated as approximately following the center lines of streets, highways, or alleys shall be construed as following the center lines;

503.02 Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines;

503.03 Boundaries indicated as approximately following city limits shall be construed as following city limits;

503.04 Boundaries indicated as following railroad lines shall be construed to be midway between the main tracks;

503.05 Boundaries indicated as approximately following the center lines of streams, rivers, lakes or other bodies of water shall be construed to follow such center lines;

503.06 Boundaries indicated as parallel to or extensions of features indicated in Subsections .01 through .05 above shall be so construed;

503.07 Distances not specifically indicated on the Zoning District Maps shall be determined by the scale of the map; and

503.08 Where physical or cultural features existing on the ground are at variance with those shown on the Zoning District Maps; or any other uncertainty exists as to the boundary of any Zoning District, the Board of Adjustment shall interpret the district boundaries.

504 Official Zoning District Map

504.01 The Official Cochise County Zoning District Map, together with all digital explanatory matter hereon, is hereby adopted by reference and declared to be an official record and a part of these Zoning Regulations.

504.02 Whenever amendments or changes are made in Zoning District boundaries, such amendments or changes shall be made promptly on the Official Zoning District Map.

504.03 No changes of any kind shall be made in the Official Zoning District Map except in conformance with the procedures set forth in these Zoning Regulations. Any unauthorized change of whatever kind by any person or persons shall be considered a violation of these Zoning Regulations and punishable as provided in Article 23.

504.05 Regardless of the existence of purported copies of the Official Zoning District Map which may from time to time be made or published, the Official Zoning District Map shall be a digital map in the custody of the Clerk of the Board of Supervisors. Said digital map shall be the final authority as to the current Zoning status of all lands in the area of jurisdiction.

505 Public Way Abandonment

Whenever any streets, alley, or other public way is abandoned by the Board of Supervisors, the Zoning District(s) of the parcel(s) to which the right-of-way becomes attached shall apply to all areas included in the vacation, which shall thereafter be subject to all appropriate regulations of the extended district or districts.

506 Lands Previously Zoned

Lands which for any reason come under the authority of Cochise County after these Zoning Regulations become effective shall be subject to the regulations of that Zoning District designated for such lands previously by Cochise County on the Official Zoning District Map.

507 Lands Not Previously Zoned

Lands under the authority of Cochise County at or after the time these Zoning Regulations become effective which have not been previously zoned by Cochise County, shall be subject to the regulations of an RU-10 (Rural) Zoning District if in a Category D (Rural) plan designation, or RU-2 if within another plan designation until such time that the Zoning of such lands is amended in accordance with these Zoning Regulations.

508 Rural Zoned Districts

For the purposes of application of building codes, qualifying land for Rural Residential Owner-Builder Amendment shall include all lands in any Growth Area Category and lying within a Zoning District in which the minimum lot size is four-acres and the parcel is a minimum of four-acres. Certain lands within the above Areas, as specified in the ordinance establishing building codes or that specified exemptions for Rural Residential Owner-Builder Amendment structures, as currently adopted or as may hereafter be amended, may be exempted from the Cochise County Building Safety Code by the Board pursuant to Arizona Revised Statutes. Property owners whose structures were damaged or destroyed by catastrophic events that the BOS declares an emergency, and who wish to repair or rebuild on properties less than four acres may qualify for the Rural Residential Owner-Builder Amendment.

ARTICLE 6

RU, RURAL ZONING DISTRICTS

601 Purpose

RU (Rural) Zoning Districts are established to achieve the following purposes:

601.01 To preserve the character of areas designated as "Rural" in the Cochise County Comprehensive Plan;

601.02 To encourage those types of non-residential and non-agricultural activities which serve local needs or provide a service and are compatible with rural living;

601.03 To preserve the agricultural character of those portions of the county capable of resource production;

601.04 To provide space for people, minimize traffic congestion, and preserve the existing rural environment of unincorporated areas of the county situated outside of existing communities;

601.05 To provide recreational support services that are compatible with rural living;

601.06 To protect the quality of the natural environment as it relates to safeguarding the health, safety and welfare of the people in Cochise County; and

601.07 To allow consideration of some more intense non-residential uses as special uses that are inappropriate in more densely populated urban/suburban areas that may under some circumstances be appropriate in rural areas if designed to be sensitive to the general character of rural districts and natural environment and harmonious and in scale with existing development near the proposed site and in conformance with Section 601.06.

602 Division of RU Zoning Districts

The RU (Rural) Zoning Districts shall be further divided into the following density districts, which are so designated on the Official Zoning District Map, and subject to the regulations herein:

602.01 RU-36

602.02 RU-18

602.03 RU-10

602.04 RU-4

602.05 RU-2

603 Permitted Principal Uses

The following uses shall be permitted in all RU Zoning Districts, provided that they conform to the applicable site development standards for such uses set forth below, and meet any other requirements for such uses found in these Zoning Regulations, such as off-site road and drainage improvements. (Also see Section 606, Other Permitted Uses).

Use

603.01 All single- and multiple-household dwellings.

603.02 Mobile home or manufactured home parks subject to the maximum densities in Section 604.01. The standards set forth in Article 18 shall not apply.

603.03 Utility installations not otherwise exempted by Article 20, other than electrical generation plants, regional sewage treatment plants, solid waste landfills or incinerators.

603.04 Churches or places of religious worship.

603.05 Enclosed veterinary clinics or animal hospitals.

603.06 Riding stables, commercial, on a minimum site of 10-acres.

603.07 Emergency vehicle stations not otherwise exempted by Article 20.

603.08 Residential care homes.

603.09 Bed and breakfast homestay, subject to procedures in Article 17.

603.10 Bed and breakfast inn, subject to procedures in Article 17.

603.11 Grocery stores (not including gasoline sales) and agriculture-related retail sales where the sales area does not exceed 2,500-square feet of total area, including any outdoor storage.

603.12 Day care facilities.

603.13 Communications towers at a maximum height of 30-feet, subject to site development standards in Article 18.

603.14 Anemometers, with temporary use permit not to exceed 3-years.

603.15 Indoor and/or outdoor recreational facilities approved as part of a subdivision review process for subdivision residents and guests only.

603.16 Civic, social, fraternal, or business associations approved as part of a subdivision review process for subdivision residents and guests only.

603.17 Custom butchering/meat curing/processing with a 100-foot minimum setback.

603.18 Ag-processing with a 300-foot minimum setback.

603.19 Farmers Markets.

603.20 Community Gardens.

604 Site Development Standards

All uses permitted in RU Zoning Districts shall conform to the following minimum site development standards in addition to the provisions of Article 18:

604.01 Minimum Site Area and Maximum Density

District	Minimum Site Area	Maximum Density
RU-36	36-acres	One dwelling per 36-acres
RU-18	18-acres	One dwelling per 18-acres
RU-10	10-acres	One dwelling per 10-acres
RU-4	4-acres	One dwelling per 4-acres
RU-2	2-acres	One dwelling per 2-acres

604.02 Maximum Height

Principal structure	30-feet above grade
Accessory structure	30-feet above grade
Wall or fence	8-feet above grade

604.03 Setbacks, Principal and Accessory Structures/Uses

The minimum setback shall be measured from the closest point on the property line or the edge of road travelway to the structure/use, whichever is closer. The minimum required setbacks for permitted uses are:

District	Setback*
RU-36	20-feet
RU-18	20-feet
RU-10	20-feet
RU-4	20-feet
RU-2	20-feet

* The minimum required setback for Special Uses is 40-feet. The minimum required setback for accessory structures no larger than 120-square feet is 10-feet.

604.04 Maximum Site Coverage

25-percent**.**

604.05 Distance Between Structures

Except as otherwise provided in these Zoning Regulations, the minimum distance between principal structures shall be 15-feet; 10-feet for multiple-household structures. Nothing herein shall prevent permanent attachment of structures.

604.06 Screening

In Category A, B and C Growth Areas whenever a non-residential use abuts a residential Zoning District or is separated therefrom by an alley, the developed area of the non-residential site shall be screened with a 6-foot high solid screen (see Article 2 for definition). Non-residential outdoor storage shall be screened regardless of abutting Zoning District. The County Zoning Inspector may defer the screening if the abutting residentially-zoned property is not yet developed with a residential use. In Category D (Rural) Areas, whenever a non-residential use abuts an area designated as Rural Residential (RR), the developed area of the non-residential site shall be screened with a 6-foot high solid screen; otherwise screening is not required.

604.07 Minor Expedited Residential Subdivision Option

Pursuant to the Cochise County Subdivision Regulations, Minor Expedited Residential Subdivision and Residential Conservation Subdivision options providing a wider latitude of design, more economic use of land and density bonuses are available for development of residential subdivisions.

605 Permitted Accessory Uses

Accessory uses are permitted in RU Zoning Districts provided they are customarily incidental to an established permitted principal use. Accessory structures may exceed the size of the principal structure, unless otherwise stated, provided that all other site development standards are met. Winery Tasting Rooms are permitted accessory uses to a Farm Vineyard, Farm Winery, Small Production Winery, or Large Production Winery, uses may be exempted if conditions are met per definition of Agricultural Processing Services, On-Site. For residential uses, the following additional accessory uses and buildings shall be permitted:

605.01 Recreational Vehicles (RV's) are allowed as follows:

A. No permit is required for storage of no more than two RV's on a parcel.

B. Temporary occupancy of one RV in conjunction with a permitted principal use up to six months in a calendar year with a required Temporary Use Permit; stays of 15-consecutive days or less do not require a permit.

C. Temporary occupancy of RV's in conjunction with the construction of a residential or non-residential permitted principal use. Such occupancy shall be limited to the length of the building permit with a required Temporary Use Permit, subject to procedures in Article 17.

D. Recreational vehicles accessory to a principal permitted use may not be rented out.

605.02 Rooms in the principal dwelling for roomers, not exceeding two such persons per dwelling unit (no permit is required).

605.03 One Accessory Living Quarter (ALQ), subject to the definition in Article 2 and the procedures in Article 17.

605.04 Family cemeteries on a minimum parcel of one-acre, subject to procedures in Article 18 (informational permit is required).

605.05 Home Occupations.

605.06 Manufactured and mobile homes used as storage units in Zoning Districts with minimum lot sizes of four-acres or larger, provided that the kitchen and bathrooms are removed and electricity is the only utility provided.

605.07 Wind Energy Systems, subject to site development standards in Article 18.

605.08 Solar Energy Systems, subject to site development standards in Article 18.

606 Other Permitted Uses

The following rural uses will be allowed without the establishment of a permitted principal use:

606.01 Solid fences or walls six-feet in height or less. Setbacks do not apply; no permit required unless greater than three feet in height on a corner lot (informational permit required).

606.02 Well houses, in a fixed location. Required minimum setbacks shall be 50-feet from the property lines; no permit required if 200-square feet or less. Permit is required for electrical and/or if located in a floodplain.

606.03 In Category A and B only, one out-building, in a fixed location, corrals, and pens. Multiple structures allowed in Category C and D.

607 Special Use Authorization

The following land uses require a Special Use Authorization from the Planning Commission in the RU Zoning Districts, subject to the procedures and review criteria set forth in Article 17. If granted, each land use will also require a Non-Residential Use permit.

607.01 Guest Lodging.

607.02 Recreational vehicle parks that are designed to ensure that the park fits into the rural landscape such as clustering RV sites, maintaining perimeter open space and enhancing existing vegetation using drought tolerant vegetation.

607.03 Welfare and/or charitable services.

607.04 Recycling/Solid Waste transfer facilities.

607.05 Zoos and/or other animal exhibits or sanctuaries.

607.06 Animal hospitals, animal boarding, and/or veterinary clinics.

607.07 Animal husbandry services.

607.08 Indoor and/or outdoor recreational facilities.

607.09 Outdoor Firearms, skeet, archery, or trap shooting ranges.

607.10 Fairgrounds and/or outdoor amusement parks.

607.11 Gasoline/service stations.

607.12 Convenience stores.

607.13 Restaurants, bars, taverns, nightclubs and/or off-site winery tasting rooms.

607.14 Contract construction services.

607.15 Airports, airstrips, helipads and/or heliports.

607.16 Manufacturing, wholesaling, warehousing, distribution, and/or storage of agriculture-related products.

607.17 Manufacturing, wholesaling, warehousing, distribution, and/or storage of products, activity area not to exceed 5,000-square feet.

607.18 Commercial feed lots, stockyards, and/or livestock auction barns, on a site not less than 20-acres.

607.19 Wholesaling, warehousing, distribution, and/or storage of propane.

607.20 Motion picture production sites/studios.

607.21 Custom butchering/meat curing/processing with less than a 100-foot minimum setback.

607.22 Transient camps, migrant labor camps.

607.23 Retail sales, rentals, or accessory storage of materials, merchandise, supplies and/or equipment.

607.24 Civic, social, fraternal, and/or business associations.

607.25 Educational services.

607.26 Personal and professional services.

607.27 Hospitals.

607.28 Health clinics.

607.29 Repair services, large engines.

607.30 Repair services, light.

607.31 Repair services, small engines.

607.32 Recycling centers.

607.33 Cultural, historic and/or nature exhibits.

607.34 Residential care institutions.

607.35 Offender rehabilitation facilities.

607.36 Group quarters.

607.37 Funeral and/or crematory services.

607.38 Golf courses.

607.39 Agricultural processing services with less than 300-foot minimum setback.

607.40 Communications towers exceeding 30-feet in height, subject to site development standards in Article 18.

607.41 Cemeteries.

607.42 Slaughterhouses/meat packing plants.

607.43 Day care establishments.

607.44 Commercial plant nurseries.

607.45 Bed and breakfast establishment.

607.46 Grocery Stores.

607.47 Research and/or Testing Laboratories.

607.48 Impound Storage Yards.

607.49 Wind Energy Power Plants (in Category D Areas only).

607.50 Mini-warehouses.

607.51 Riding stables, commercial, on a site less than 10-acres.

607.52 Solar Energy Power Plants-in Category D areas only.

607.53 Medical Marijuana Cultivation Facility in RU-4 and greater only, subject to site development standards in Article 18.

607.54 Medical Marijuana Dispensary in RU-4 and greater only, subject to site development standards in Article 18.

607.55 Medical Marijuana Dispensary Cultivation Facility in RU-4 and greater only, subject to site development standards in Article 18.

607.56 Medical Marijuana Infusion Facility in RU-4 and greater only, subject to site development standards in Article 18.

ARTICLE 7

R, RESIDENTIAL ZONING DISTRICTS

701 Purpose

R (Residential) Zoning Districts are established to achieve the following purposes:

701.01 To provide an area for family living at a variety of low to medium densities; and

701.02 To provide an area where single-household dwellings, rehabilitated mobile homes, and manufactured homes can co-exist.

702 Division of R Zoning Districts

The R (Residential) Zoning District shall be further divided into the following density districts, which are so designated on the Official Zoning District Map, and subject to the regulations herein:

702.01 R-36

702.02 R-18

702.03 R-9

Existing TR (Transitional-Residential) Districts shall be subject to the requirements of the similar Residential Zoning District.

703 Permitted Principal Uses

The following uses shall be permitted in all R Zoning Districts, provided that they conform to the applicable site development standards for such uses set forth below, and meet any other requirements for such uses found in these Zoning Regulations, such as off-site road and drainage improvements.

Use

703.01 All single- and multiple-household dwellings.

703.02 Mobile home, manufactured home, or recreational vehicle parks, subject to the maximum densities in Section 704.01. The standards set forth in Article 18 shall apply.

703.03 Utility installations not otherwise exempted by Article 20, other than electric generation plants, regional sewage treatment plants, solid waste landfills, or incinerators.

703.04 Churches or places of religious worship.

703.05 Residential care homes.

703.06 Emergency vehicle stations not otherwise exempted by Article 20.

703.07 Bed and breakfast home stay, subject to procedures in Article 17.

703.08 Bed and breakfast inn, subject to procedures in Article 17.

703.09 Indoor and/or unlighted outdoor recreational facilities approved as part of a subdivision review process for subdivision residents and guests only.

703.10 Civic, social, fraternal, or business associations approved as part of a subdivision review process for subdivision residents and guests only.

703.11 Unlighted riding stables, commercial, on a minimum site of 10-acres approved as part of a subdivision review process for subdivision residents and guests only.

703.12 Community Gardens.

704 Site Development Standards

All uses permitted in R Zoning Districts shall conform to the following minimum site development standards in addition to the provisions of Article 18:

704.01 Minimum Site Area and Maximum Density

The minimum site area and maximum density are as follows:

District	Minimum Site Area	Maximum Density
R-36	36,000-square feet	One dwelling unit per 36,000 square feet
R-18	18,000-square feet	One dwelling unit per 18,000 square feet
R-9	9,000-square feet	One dwelling unit per 9,000 square feet

704.02 Maximum Height

Principal structure	30-feet above grade
Accessory structure	20-feet above grade
Wall or fence	8-feet above grade

704.03 Setbacks, Principal and Accessory Structures/Uses

The minimum setback shall be measured from the closest point on the property line or the edge of road travelway to the structure/use, whichever is closer. The minimum required setbacks for permitted uses are:

District	Setback*
R-36	20-feet
R-18	20-feet
R-9	10-feet

* The minimum setbacks for Special Uses shall be double that of the Zoning District in which it is located. The minimum required setbacks for accessory structures no larger than 120-square feet or less are half that of the Zoning District in which it is located.

704.04 Maximum Site Coverage

65-percent.

704.05 Distance Between Structures

Except as provided in these Zoning Regulations, a minimum distance between principal structures shall be 15-feet; 10-feet for multiple-household structures. Nothing herein shall prevent permanent attachment of principal structures.

704.06 Screening

In Category A, B and C Growth Areas whenever a non-residential use abuts a residential Zoning District or is separated therefrom by an alley, the developed area of the non-residential site shall be screened with a 6-foot high solid screen (see Article 2 for definition). Non-residential outdoor storage shall be screened regardless of abutting Zoning District. The County Zoning Inspector may defer the screening if the abutting residentially-zoned property is not yet developed with a residential use. In Category D (Rural) Areas, whenever a non-residential use abuts an area designated as Rural Residential (RR), the developed area of the non-residential site shall be screened with a 6-foot high solid screen; otherwise screening is not required.

704.07 Residential Expedited Subdivision Option and Conservation Subdivision Option

Pursuant to the Cochise County Subdivision Regulations, Minor Residential Subdivision and Residential Conservation Subdivision options providing a wider latitude of design, more economic use of land, and density bonuses are available for development of residential subdivisions.

705 Permitted Accessory Uses

Accessory uses are permitted in R Zoning Districts provided they are customarily incidental to an established permitted principal use except accessory structures may exceed the size of the principal structure on parcels that are four (4) acres or larger, unless otherwise stated, provided that all other site development standards are met. For residential uses, the following additional accessory uses and buildings shall be permitted:

705.01 Recreational Vehicles (RV's) are allowed as follows:

A. No permit is required for storage of no more than two RV's on a parcel.

B. Temporary occupancy of one RV in conjunction with a permitted principal use up to six months in a calendar year with a required Temporary Use Permit; stays of 15-consecutive days or less do not require a permit.

C. Temporary occupancy of RV's in conjunction with the construction of a residential or non-residential permitted principal use. Such occupancy shall be limited to the length of the permit with a required Temporary Use Permit, subject to procedures in Article 17.

D. Recreational vehicles accessory to a principal permitted use may not be rented out.

705.02 Rooms in the principal dwelling for roomers, not exceeding two such persons per dwelling unit, no permit required.

705.03 One accessory living quarter in R-36 Zoning Districts, subject to the definition in Article 2 and procedures in Article 17.

705.04 Family cemeteries on a minimum parcel of one-acre, subject to procedures in Article 18 (informational permit is required).

705.05 Home Occupations.

705.06 Wind Energy Systems, subject to site development standards in Article 18.

705.07 Solar Energy Systems, subject to site development standards in Article 18.

706 Other Permitted Uses

The following uses will be allowed without the establishment of a permitted principal use on parcels four-acres or larger:

706.01 Well houses, in a fixed location. Required minimum setbacks shall be 50-feet from the property lines; no permit required if 200-square feet or less. Permit is required for electrical and/or if located in a floodplain.

706.02 One out-building, in a fixed location, corrals and pens.

706.03 Solid fences or walls six- feet in height or less. Setbacks do not apply; no permit required, except if greater than three feet in height on a corner lot (informational permit required).

707 Special Use Authorization

The following land uses require a Special Use authorization from the Planning Commission in the R Zoning Districts, subject to the procedures and review criteria set forth in Article 17. If granted, each land use will also require a Non-Residential Use permit.

707.01 Welfare and/or charitable services.

707.02 Day care facilities and establishments.

707.03 Educational services.

707.04 Personal and professional services.

707.05 Health clinics.

707.06 Residential care institutions.

707.07 Cemeteries.

707.08 Bed and breakfast establishment.

707.09 Grocery stores.

707.10 Cultural, historic and/or nature exhibits.

707.11 Civic, social, fraternal, and/or business associations.

707.12 Golf courses.

707.13 Indoor and/or outdoor recreational facilities.

707.14 Communication towers, subject to site development standards in Article 18.

707.15 Lighted Outdoor Recreation Facilities.

707.16 Animal hospitals and/or veterinary clinics.

707.17 Animal husbandry service.

707.18 Contract construction services in R-36 only.

707.19 Manufacturing, wholesaling, warehousing, distribution, and/or storage of agriculture-related products in R-36 only.

707.20 Repair services, light, not to exceed 2,500-square feet of floor area.

707.21 Group quarters.

707.22 Commercial plant nurseries.

707.23 Mini-warehouses.

707.24 Farmers Markets.

ARTICLE 8

SM, SINGLE-HOUSEHOLD/MANUFACTURED HOME RESIDENTIAL ZONING DISTRICTS

801 Purpose

SM (Single-Household/Manufactured Home Residential) Zoning Districts are established to achieve the following purposes:

801.01 To provide an area where conventional single household dwellings, manufactured homes, and factory built buildings can co-exist;

801.02 To establish an intermediary district between R (Residential) and SR (Single-Household Residential); and

801.03 To provide an alternative for those residents in existing RU and R Districts who wish to specify housing options and protections for residential property.

802 Division of SM Zoning Districts

The SM (Single-Household/Manufactured Home Residential) Zoning District shall be further divided into the following density districts, which are so designated on the Official Zoning District Map, and subject to the regulations herein:

802.01 SM-36 Acres

802.02 SM-18 Acres

802.03 SM-10 Acres

802.04 SM-174 (4 acres)

802.05 SM-87 (2 acres)

802.06 SM-36

802.07 SM-18

802.08 SM-9

803 Permitted Principal Uses

The following uses shall be permitted in all SM Zoning Districts, provided that they conform to the applicable site development standards for such uses set forth below, and meet any other requirements for such uses found in these Zoning Regulations, such as off-site road and drainage improvements.

Use

803.01 All single- and multiple-household dwellings, but excluding rehabilitated mobile homes.

803.02 Manufactured home parks, subject to the maximum densities set forth in Section 804.01. The standards set forth in Article 18 shall apply.

803.03 Utility installations not otherwise exempted by Article 20, other than electric generation plants, solid waste landfills or incinerators and/or regional sewage treatment plans.

803.04 Churches or places of religious worship.

803.05 Residential care homes.

803.06 Emergency vehicle stations not otherwise exempted by Article 20.

803.07 Bed and breakfast homestay, subject to procedures in Article 17.

803.08 Bed and breakfast inn, subject to procedures in Article 17.

803.09 Indoor and/or outdoor unlighted recreational facilities approved as part of a subdivision review process for unlighted subdivision residents and guests only.

803.10 Civic, social, fraternal, or business associations approved as part of a subdivision review process for subdivision residents and guests only.

803.11 Unlighted riding stables, commercial, on a minimum site of 10-acres approved as part of a subdivision review process for subdivision residents and guests only.

803.12 Community Gardens.

804 Site Development Standards

All uses permitted in SM Zoning Districts shall conform to the following minimum site development standards in addition to the provisions of Article 18:

804.01 Minimum Site Area and Maximum Density

District	Minimum Site Area	Maximum Density
SM-36 Acres	36-acres	One dwelling unit per 36-acres
SM-18 Acres	18-acres	One dwelling unit per 18-acres
SM-10 Acres	10-acres	One dwelling unit per 10-acres
SM-174	174,240-square feet (4-acres)	One dwelling unit per 174,240-square feet (4-acres)
SM-87	87,120-square feet (2-acres)	One dwelling unit per 87,120-square feet (2-acres)
SM-36	36,000-square feet	One dwelling unit per 36,000-square feet
SM-18	18,000-square feet	One dwelling unit per 18,000-square feet
SM-9	9,000-square feet	One dwelling unit per 9,000-square feet

804.02 Maximum Height

Principal structure	30-feet above grade
Accessory structure	20-feet above grade
Wall or fence	8-feet above grade

804.03 Setbacks, Principal and Accessory Structures/Uses

The minimum setback shall be measured from the closest point on the property line or the edge of road travelway to the structure/use, whichever is closer. The minimum required setbacks for permitted uses are:

District	Setback*
SM-36 Acres, SM-18 Acres, SM-10 Acres	20-feet
SM-174, SM-87, SM-36, SM-18	20-feet
SM-9	10-feet

* The minimum setback for Special Uses shall be double that of the Zoning District in which it is located. The minimum required setback for accessory structures no larger than 120-square feet is half that of the Zoning District in which it is located.

804.04 Maximum Site Coverage

District	Maximum Site Coverage
SM-36 Acres, SM-18 Acres, SM-10 Acres	25%
SM-174, SM-87	25%
SM-36, SM-18, SM-9	65%

804.05 Distance Between Structures

Except as otherwise noted in these Zoning Regulations, a minimum distance between principal structures shall be 15-feet; 10-feet for multiple-household structures. Nothing herein shall prevent permanent attachment of principal structures.

804.06 Screening

In Category A, B and C Growth Areas whenever a non-residential use abuts a residential Zoning District or is separated therefrom by an alley, the developed area of the non-residential site shall be screened with a 6-foot high solid screen (see Article 2 for definition). Non-residential outdoor storage shall be screened regardless of abutting Zoning District. The County Zoning Inspector may defer the screening if the abutting residentially-zoned property is not yet developed with a residential use. In Category D (Rural) Areas, whenever a non-residential use abuts an area designated as Rural Residential (RR), the developed area of the non-residential site shall be screened with a 6-foot high solid screen; otherwise screening is not required.

804.07 Residential Minor Subdivision Option and Conservation Subdivision Option

Pursuant to the Cochise County Subdivision Regulations, Minor Residential Subdivision and Residential Conservation Subdivision options providing a wider latitude of design, more economic use of land, and density bonuses are available for development of residential subdivisions.

805 Permitted Accessory Uses

Accessory uses are permitted in SM Zoning Districts provided they are customarily incidental to an established permitted principal use. For residential uses, the following additional accessory uses and buildings shall be permitted:

805.01 Recreational Vehicles (RV's) are allowed as follows:

A. No permit is required for storage of no more than two RV's on a parcel.

B. Temporary occupancy of one RV in conjunction with a permitted principal use up to six months in a calendar year with a required Temporary Use Permit; stays of 15-consecutive days or less do not require a permit.

C. Temporary occupancy of RV's in conjunction with the construction of a residential or non-residential permitted principal use. Such occupancy shall be limited to the length of the permit with a required Temporary Use Permit, subject to procedures in Article 17.

D. Recreational vehicles accessory to a principal permitted use may not be rented out.

805.02 Rooms in the principal dwelling for roomers, not exceeding 2-such persons per dwelling unit (no permit is required).

805.03 One accessory living quarter in all of the SM districts EXCEPT the SM-18 and SM-9 Zoning Districts, subject to the definition in Article 2 and procedures in Article 17.

805.04 Family cemeteries on a minimum parcel of one-acre, subject to procedures in Article 18 (informational permit is required).

805.05 Home Occupations.

805.06 Wind Energy Systems, subject to site development standards in Article 18.

805.07 Solar Energy Systems, subject to site development standards in Article 18.

806 Special Use Authorization

The following land uses require a Special Use authorization from the Planning Commission in the SM Zoning Districts, subject to the procedures and review criteria set forth in Article 17. If granted, each land use will also require a Non-Residential Use permit.

806.01 Welfare and/or charitable services.

806.02 Day care facilities or establishments.

806.03 Cultural, historic and/or nature exhibits.

806.04 Personal and professional services.

806.05 Health clinics.

806.06 Golf courses.

806.07 Indoor and/or outdoor recreational facilities.

806.08 Educational services.

806.09 Residential care institutions.

806.10 Civic, social, fraternal, and/or business associations.

806.11 Cemeteries.

806.12 Bed and breakfast establishment.

806.13 Grocery stores.

806.14 Lighted Outdoor Recreation Facilities.

806.15 Animal Husbandry.

806.16 Farmers Markets.

806.17 Commercial Plant Nurseries.

ARTICLE 9

SR, SINGLE-HOUSEHOLD RESIDENTIAL ZONING DISTRICTS

901 Purpose

SR (Single-Household Residential) Zoning Districts are established to achieve the following purposes:

901.01 To stabilize and protect single-household residential development;

901.02 To provide areas for family living at a broad range of densities; and

901.03 To provide for residential neighborhoods.

902 Division of SR Zoning Districts

The SR (Single-Household Residential) Zoning District shall be further divided into the following density districts, which are so designated on the Official Zoning District Map and subject to the regulations herein:

902.01 SR-36 Acres

902.02 SR-18 Acres

902.03 SR-10 Acres

902.04 SR-174 (4 acres)

902.05 SR-87 (2 acres)

902.06 SR-43 (1 acre)

902.07 SR-22

902.08 SR-12

902.09 SR-8

Existing PR-40 shall be subject to the requirements of the SR-8 Zoning District.

903 Permitted Principal Uses

The following uses shall be permitted in all SR Zoning Districts, provided that they conform to the applicable site development standards for such uses set forth below, and meet any other requirements for such uses found in these Zoning Regulations, such as off-site road and drainage improvements.

Use

903.01 All single-household dwellings (site built and factory built buildings), excluding rehabilitated mobile homes and manufactured homes.

903.02 Utility installations not otherwise exempted by Article 20, other than electric generation plants, regional sewage treatment plants, solid waste landfills or incinerators.

903.03 Churches or places of religious worship.

903.04 Residential care homes.

903.05 Emergency vehicle stations not otherwise exempted by Article 20.

903.06 Bed and breakfast homestay, subject to procedures in Article 17.

903.07 Bed and breakfast inn, subject to procedures in Article 17.

903.08 Indoor and/or unlighted outdoor recreational facilities approved as part of a subdivision review process for subdivision residents and guests only.

903.09 Civic, social, fraternal, or business associations approved as part of a subdivision review process for subdivision residents and guests only.

903.10 Unlighted riding stables, commercial, on a minimum site of 10-acres approved as part of a subdivision review process for subdivision residents and guests only.

903.11 Community Gardens.

904 Site Development Standards

All uses permitted in SR Zoning Districts shall conform to the following minimum site development standards in addition to the provisions of Article 18:

904.01 Minimum Site Area and Maximum Density

The minimum site area and maximum density are as follows:

District	Minimum Site Area	Maximum Density
SR-36 Acres	36-acres	One dwelling unit per 36-acres
SR-18 Acres	18-acres	One dwelling unit per 18-acres
SR-10 Acres	10-acres	One dwelling unit per 10-acres
SR-4 Acres	4-acres	One dwelling unit per 4-acres
SR-2 Acres	2-acres	One dwelling unit per 2-acres
SR-43	43,560-square feet	One dwelling unit per 43,560-square feet
SR-22	22,000-square feet	One dwelling unit per 22,000-square feet
SR-12	12,000-square feet	One dwelling unit per 12,000-square feet
SR-8	8,000-square feet	One dwelling unit per 8,000-square feet

904.02 Maximum Height

Principal structure	30-feet above grade
Accessory structure	20-feet above grade
Wall or fence	8-feet above grade

904.03 Setbacks, Principal and Accessory Structures/Uses

The minimum setback shall be measured from the closest point on the property line or the edge of road travelway to the structure/use, whichever is closer. The minimum required setbacks for permitted uses are:

District	Setback*
SR-36 Acres, SR- 18 Acres, SR-10 Acres	20-feet
SR-4 Acres, SR-2 Acres, SR-43, SR-22	20-feet
SR-12, SR-8	10-feet

*Note: The minimum setbacks for Special Uses shall be double that of the Zoning District in which it is located. The minimum required setbacks for accessory structures no larger than 120-square feet is half that of the Zoning District in which it is located.

904.04 Maximum Site Coverage

District	Maximum Site Coverage
SR-36 Acres, SR-18 Acres, SR-10 Acres	25%
SR-4 Acres, SR-2 Acres	25%
SR-43, SR-22, SR-12, SR-8	65%

904.05 Distance Between Structures

Except as otherwise provided in these Zoning Regulations, a minimum distance between principal structures shall be 15-feet; 10-feet for multiple-household structures. Nothing herein shall prevent permanent attachment of principal structures.

904.06 Screening

In Category A, B and C Growth Areas whenever a non-residential use abuts a residential Zoning District or is separated therefrom by an alley, the developed area of the non-residential site shall be screened with a 6-foot high solid screen (see Article 2 for definition). Non-residential outdoor storage shall be screened regardless of abutting Zoning District. The County Zoning Inspector may defer the screening if the abutting residentially-zoned property is not yet developed with a residential use. In Category D (Rural) Areas, whenever a non-residential use abuts an area designated as Rural Residential (RR), the developed area of the non-residential site shall be screened with a 6-foot high solid screen; otherwise screening is not required.

904.07 Residential Minor and/or Conservation Subdivision Options

Pursuant to the Cochise County Subdivision Regulations, Minor Residential Subdivision and Residential Conservation Subdivision options providing a wider latitude of design, more economic use of land and density bonuses are available for development of residential subdivisions.

905 Permitted Accessory Uses

Accessory uses are permitted in SR Zoning Districts provided they are customarily incidental to an established permitted principal use. For residential uses, the following additional accessory uses and buildings shall be permitted:

905.01 Recreational vehicles (RV's) are allowed as follows:

A. No permit is required for storage of no more than two RV's on a parcel.

B. Temporary occupancy of one RV in conjunction with a permitted principal use up to six months in a calendar year with a required Temporary Use Permit; stays of 15-consecutive days or less do not require a permit.

C. Temporary occupancy of RV's in conjunction with the construction of a residential or non-residential permitted principal use. Such occupancy shall be limited to the length of the building permit with a required Temporary Use Permit, subject to procedures in Article 17.

D. Recreational vehicles accessory to a principal permitted use may not be rented out.

905.02 Rooms in the principal dwelling for roomers, not exceeding two such persons per dwelling unit (no permit is required).

905.03 One accessory living quarter in SR-36 Acres, SR-18 Acres, SR-10 Acres, SR-4 Acres, SR-2 Acres, and SR-43 Zoning Districts, subject to the definition in Article 2 and the procedures in Article 17.

905.04 Family cemeteries on a minimum parcel of one-acre, subject to procedures in Article 18, (informational permit is required).

905.05 Home Occupations.

905.06 Wind Energy Systems, subject to site development standards in Article 18.

905.07 Solar Energy Systems, subject to site development standards in Article 18.

906 Special Use Authorization

The following land uses require a Special Use Authorization from the Planning Commission in the SR Zoning Districts, subject to the procedures and review criteria set forth in Article 17. If granted, each land use will also require a Non-Residential Use permit.

906.01 Welfare and/or charitable services.

906.02 Day care facilities and/or establishments.

906.03 Educational services.

906.04 Personal and professional services.

906.05 Health clinics.

906.06 Residential care institutions.

906.07 Golf courses.

906.08 Indoor and/or outdoor recreational facilities.

906.09 Cultural, historic and/or nature exhibits.

906.10 Bed and breakfast establishments.

906.11 Cemeteries.

906.12 Civic, social, fraternal, and/or business associations.

906.13 Grocery stores.

906.14 Lighted Outdoor Recreation Facilities.

906.15 Animal Husbandry Services.

906.16 Commercial Plant Nurseries.

906.17 Farmers Markets.

ARTICLE 10

MR, MULTIPLE-HOUSEHOLD RESIDENTIAL ZONING DISTRICTS

1001 Purpose

MR (Multiple-Household Residential) Zoning Districts are established to achieve the following purposes:

1001.01 To provide high-density residential development in locations with adequate infrastructure;

1001.02 To allow only those additional uses that are complementary to higher density residential uses; and

1001.03 To stabilize and protect residential development.

1002 Division of MR Zoning Districts

The MR (Multiple-Household Residential) Zoning District shall be further divided into the following density districts, which are so designated on the Official Zoning District Map, and subject to the regulations herein:

1002.01 MR-1

1002.02 MR-2

Existing MR-A, MR-B, and MR-C Zoning Districts shall be subject to the requirements of the MR-1 Zoning District. Existing MH-72, MH-54, and MH-36 Zoning Districts shall be subject to the requirements of the MR-2 Zoning District. See Section 1004.01 for minimum site areas and maximum density.

1003 Permitted Principal Uses

The following uses shall be permitted in all MR Zoning Districts, provided that they conform to the applicable site development standards for such uses set forth below, and meet any other requirements for such uses found in these Zoning Regulations, such as off-site road and drainage improvements.

Use

1003.01 MR-1 Single - and multiple-household dwellings excluding rehabilitated mobile homes, manufactured homes, and recreational vehicles.

MR-2 Single - and multiple-household dwellings including rehabilitated mobile homes, manufactured homes, mobile home parks, manufactured home parks and recreational vehicle parks; subject to the maximum densities of Section 1004.01. The standards set forth in Article 18 shall apply.

1003.02 Group quarters.

1003.03 Educational services.

1003.04 Utility installations not otherwise exempted by Article 20, other than electric generation plants, regional sewage treatment plants, solid waste landfills or incinerators.

1003.05 Churches or places of religious worship.

1003.06 Residential care homes.

1003.07 Emergency vehicle stations not otherwise exempted by Article 20.

1003.08 Bed and breakfast home stay, subject to procedures in Article 17.

1003.09 Bed and breakfast inn, subject to procedures in Article 17.

1003.10 Community Gardens.

1004 Site Development Standards

All uses permitted in MR Zoning Districts shall conform to the following minimum site development standards in addition to the provisions of Article 18:

1004.01 Minimum Site Area and Maximum Density

District	Minimum Site Area	Maximum Density
MR-1	3,600-square feet	One dwelling unit per 3,600-square feet
MR-2	3,600-square feet	One dwelling unit per 3,600-square feet
Previously	**Minimum Site Area**	**Maximum Density**
MH-36	3,600-square feet	One dwelling unit per 3,600-square feet
MH-54	5,400-square feet	One dwelling unit per 5,400-square feet
MH-72	7,200-square feet	One dwelling unit per 7,200-square feet

1004.02 Maximum Height

Principal structure	40-feet above grade
Accessory structure	20-feet above grade
Wall or fence	8-feet above grade

1004.03 Setbacks, Principal and Accessory Structures/Uses

The minimum setback shall be measured from the closest point on the property line or the edge of road travelway to the structure/use, whichever is closer. The minimum required setbacks for permitted uses are:

A. For those MR Zoning Districts which abut MR, NB, GB, LI, HI, or PD Zoning Districts, the setback* shall be a minimum of 7.5-feet. Zero lot lines between townhouses or condominiums within an approved subdivision shall be permitted in the MR Zoning District.

B. For those MR Zoning Districts which abut RU, R, SM, or SR Zoning Districts, the setback* shall be a minimum of 20-feet. Zero lot lines between townhouses or condominiums within an approved subdivision shall be permitted in the MR Zoning District.

* The minimum setbacks for Special Uses shall be double that of the Zoning District in which it is located.

1004.04 Maximum Site Coverage

70-percent.

1004.05 Distance Between Structures

Except as otherwise provided in these Zoning Regulations, a minimum distance between principal structures shall be 15-feet; 10-feet for multiple-household structures. Nothing herein shall prevent permanent attachment of principal structures.

1004.06 Screening

In Category A, B and C Growth Areas whenever a non-residential use abuts a residential Zoning District or is separated therefrom by an alley, the developed area of the non-residential site shall be screened with a 6-foot high solid screen (see Article 2 for definition). Non-residential outdoor storage shall be screened regardless of abutting Zoning District. The County Zoning Inspector may defer the screening if the abutting residentially-zoned property is not yet developed with a residential use. In Category D (Rural) Areas, whenever a non-residential use abuts an area designated as Rural Residential (RR), the developed area of the non-residential site shall be screened with a 6-foot high solid screen; otherwise screening is not required.

1004.07 Residential Subdivision Options

Pursuant to the Cochise County Subdivision Regulations, Minor Expedited Residential Subdivision and Residential Conservation Subdivision options providing a wider latitude of design, more economic use of land and density bonuses are available for development of residential subdivisions.

1005 Permitted Accessory Uses

Accessory uses are permitted in the MR Zoning District provided they are customarily incidental to an established permitted principal use. For residential uses, the following additional accessory uses and structures shall be permitted:

1005.01 Recreational Vehicles (RV's) are allowed as follows:

A. No permit is required for storage of no more than two RV's on a parcel.

B. Temporary occupancy of one RV in conjunction with a permitted principal use up to six months in a calendar year with a required Temporary Use Permit; stays of 15-consecutive days or less do not require a permit.

C. Temporary occupancy of RV's in conjunction with the construction of a residential or non-residential permitted principal use. Such occupancy shall be limited to the length of the building permit with a required Temporary Use Permit, subject to procedures in Article 17.

D. Recreational vehicles accessory to a principal permitted use may not be rented out.

1005.02 Rooms in the principal dwelling for roomers, not exceeding two-such persons per dwelling unit (no permit is required).

1005.03 Family cemeteries on a minimum parcel of one-acre, subject to procedures in Article 18 (informational permit is required).

1005.04 Home Occupations.

1005.05 Wind Energy Systems, subject to site development standards in Article 18.

1005.06 Solar Energy Systems, subject to site development standards in Article 18.

1006 Special Use Authorization

The following land uses require a Special Use Authorization from the Planning Commission in the MR Zoning Districts, subject to the procedures and review criteria set forth in Article 17. If granted, each land use will also require a Non-Residential Use permit.

1006.01 Welfare and/or charitable services.

1006.02 Regional sewage treatment plants.

1006.03 Hospitals.

1006.04 Bed and breakfast establishment.

1006.05 Cultural, historic and/or nature exhibits.

1006.06 Indoor and/or outdoor recreational facilities.

1006.07 Civic, social, fraternal, and/or business associations.

1006.08 Golf courses.

1006.09 Cemeteries.

1006.10 Grocery stores.

1006.11 Lighted Outdoor Recreation Facilities.

1006.12 Personal and professional services.

1006.13 Residential care institutions.

1006.14 Health clinics.

1006.15 Day care facilities and establishments.

1006.16 Farmers Markets.

ARTICLE 11

NB, NEIGHBORHOOD BUSINESS ZONING DISTRICT

1101 Purpose

The NB (Neighborhood Business) Zoning District is established to achieve the following purposes:

1101.01 To provide areas for small shops, businesses, and service establishments in convenient locations to meet the daily needs of households in surrounding residential areas;

1101.02 To preserve the essential neighborhood character of the district by preventing encroachment by more intensive commercial uses having market areas extending beyond nearby neighborhoods;

1101.03 To maintain compatibility between neighborhood-oriented commercial areas and adjacent residential areas; and

1101.04 To avoid any undue concentration of vehicular traffic on local districts.

1102 Permitted Principal Uses

The following uses shall be permitted in the NB Zoning Districts, provided that they conform to the applicable site development standards for such uses set forth below, and meet any other requirements for such uses found in these Zoning Regulations, such as off-site road and drainage improvements.

Use

1102.01 All single and multiple-household dwellings, excluding rehabilitated mobile homes.

1102.02 Group quarters.

1102.03 Day care facilities.

1102.04 Day care establishments, not to exceed 2,500-square feet of floor area.

1102.05 Educational services.

1102.06 All utility installations not otherwise exempted by Article 20, other than electric generation plants, regional sewage treatment plants, and solid waste landfills or incinerators.

1102.07 Churches or places of religious worship.

1102.08 Cultural, historic and/or nature exhibits.

1102.09 Civic, social, fraternal, and/or business associations.

1102.10 Personal and Professional services, not to exceed 2,500-square feet of floor area.

1102.11 Indoor and/or outdoor recreational facilities, not to exceed 2,500-square feet of floor or recreation area.

1102.12 Retail sales of merchandise, not to exceed 2,500-square feet of floor area. May include on-site manufacturing incidental and accessory to the sale of goods such as but not limited to baked goods.

1102.13 Restaurants, bars, taverns, nightclubs and/or off-site winery tasting rooms, not to exceed 2,500-square feet of floor area.

1102.14 Residential care homes.

1102.15 Emergency vehicle stations not otherwise exempted by Article 20.

1102.16 Bed and breakfast homestay, subject to procedures in Article 17.

1102.17 Bed and breakfast inn, subject to procedures in Article 17.

1102.18 Health clinics.

1102.19 Repair Services, light, enclosed, not to exceed 2,500-square feet of floor area.

1102.20 Farmers Markets.

1102.21 Community Gardens.

1103 Site Development Standards

All uses permitted in an NB Zoning Districts shall conform to the following minimum site development standards in addition to the provisions of Article 18:

1103.01 Minimum Site Area and Maximum Density

Minimum Site Area	Maximum Density
3,600-square feet	One dwelling unit or principal structure per 3,600- square feet

1103.02 Maximum Height

Principal structure	30-feet above grade
Accessory structure (residential)	20-feet above grade
Fence or wall	8-feet above grade

1103.03 Setbacks, Principal and Accessory Structures/Uses

The minimum setback shall be measured from the closest point on the property line or the edge of road travelway to the structure/ use, whichever is closer. The minimum setback for permitted uses shall be 20-feet. The minimum setback for Special Uses shall be 40-feet.

1103.04 Maximum Site Coverage

65-percent.

1103.05 Distance Between Structures

Except as otherwise provided in these Zoning Regulations, a minimum distance between principal structures shall be 15-feet; 10-feet for multiple-household structures. Nothing herein shall prevent permanent attachment of principal structures.

1103.06 Screening

In Category A, B and C Growth Areas whenever a non-residential use abuts a residential Zoning District or is separated therefrom by an alley, the developed area of the non-residential site shall be screened with a 6-foot high solid screen (see Article 2 for definition). Non-residential outdoor storage shall be screened regardless of abutting Zoning District. The County Zoning Inspector may defer the screening if the abutting residentially-zoned property is not yet developed with a residential use. In Category D (Rural) Areas, whenever a non-residential use abuts an area designated as Rural Residential (RR), the developed area of the non-residential site shall be screened with a 6-foot high solid screen; otherwise screening is not required.

1104 Permitted Accessory Uses

Accessory uses are permitted in the NB Zoning District provided they are customarily incidental to an established permitted principal use. For residential uses, the following additional accessory uses and structures shall be permitted:

1104.01 Recreational Vehicles (RV's) are allowed as follows:

A. No permit is required for storage of no more than two RV's on a parcel.

B. Temporary occupancy of one RV in conjunction with a permitted principal use up to six months in a calendar year with a required Temporary Use Permit; stays of 15-consecutive days or less do not require a permit.

C. Temporary occupancy of RV's in conjunction with the construction of a residential or non-residential permitted principal use. Such occupancy shall be limited to the length of the building permit with a required Temporary Use Permit, subject to Article 17.

D. Recreational vehicles accessory to a principal permitted use may not be rented out.

1104.02 Rooms in the principal dwelling for roomers, not exceeding two such persons per dwelling unit (no permit is required).

1104.03 Family cemetery on a minimum parcel of one-acre, subject to Article 18 (informational permit is required).

1104.04 Home Occupations.

1104.05 Wind Energy Systems, see site development standards in Article 18.

1104.06 Solar Energy Systems, see site development standards in Article 18.

1106 Special Use Authorization

The following land uses require a Special Use Authorization from the Planning Commission in the NB Zoning Districts, subject to the procedures and review criteria set forth in Article 17. If granted, each land use will also require a Non-Residential Use permit.

1106.01 Welfare and/or charitable services.

1106.02 Convenience stores.

1106.03 Regional sewage treatment plants.

1106.04 Residential care institutions.

1106.05 Hospitals.

1106.06 Funeral and/or crematory services.

1106.07 Retail sales exceeding 2,500- square feet of floor area.

1106.08 Restaurants, bars, taverns, nightclubs and/or off-site winery tasting rooms.

1106.09 Indoor and/or outdoor recreational facilities.

1106.10 Cemeteries.

1106.11 Golf courses.

1106.12 Day care establishments.

1106.13 Repair services (enclosed), large engines.

1106.14 Repair services (enclosed), small engines.

1106.15 Communication towers, subject to site development standards in Article 18.

1105.16 Bed and breakfast establishment.

1106.17 Lighted Outdoor Recreation Facilities.

1106.18 Animal Husbandry Services.

1106.19 Mini-warehouses.

1106.20 Commercial Plant Nurseries.

ARTICLE 12

GB, GENERAL BUSINESS ZONING DISTRICT

1201 Purpose

The GB (General Business) Zoning District is established:

1201.01 To provide appropriate areas for office uses, retail stores and service establishments in which the market area extends beyond the nearby neighborhoods;

1201.02 To provide wholesale or distribution activities in locations with adequate access to major streets and highways;

1201.03 To encourage concentrated development of commercial activities for the convenience of the public;

1201.04 To provide adequate space to meet the needs of commercial development, with adequate off-street parking and minimal traffic congestion; and

1201.05 To protect commercial uses from objectionable influences of industrial uses as well as incompatible residential development.

1202 Permitted Principal Uses

The following uses shall be permitted in the GB Zoning Districts, provided that they conform to the applicable site development standards for such uses set forth below, and meet any other requirements for such uses found in these Zoning Regulations, such as off-site road and drainage improvements..

Use

1202.01 Group quarters.

1202.02 Guest lodging.

1202.03 Mobile home, manufactured home, or recreational vehicle parks. The standards set forth in Article 18 shall apply.

1202.04 Bed and breakfast homestay, inn, and establishment, subject to procedures in Article 17.

1202.05 Day care facilities and establishments.

1202.06 Educational services.

1202.07 Utility installations not otherwise exempted by Article 20, other than electric generation plants, regional sewage treatment plants and solid waste landfills or incinerators.

1202.08 Churches or places of religious worship.

1202.09 Welfare and/or charitable services.

1202.10 Cultural, historic and/or nature exhibits.

1202.11 Civic, social, fraternal, and/or business associations.

1202.12 Hospitals including ambulatory services.

1202.13 Personal and professional services.

1202.14 Banks and/or banking services.

1202.15 Research and/or testing laboratories, enclosed.

1202.16 Veterinary clinics and/or animal hospitals.

1202.17 Funeral and/or crematory services.

1202.18 Cemeteries.

1202.19 Indoor and/or outdoor recreational facilities.

1202.20 Riding stables, commercial, on a minimum site of 10-acres.

1202.21 Gasoline/service stations.

1202.22 Convenience stores.

1202.23 Grocery stores.

1202.24 Restaurants, bars, taverns and/or off-site winery tasting rooms.

1202.25 Shopping centers.

1202.26 Retail sales or rentals. May include on-site manufacturing incidental and accessory to the sale of goods such as but not limited to baked goods.

1202.27 Repair services (enclosed building), small engine. Vehicles awaiting repair, need not be enclosed or screened.

1202.28 Repair services, light.

1202.29 Contract construction services.

1202.30 Communications towers at a maximum height of 40-feet, subject to site development standards in Article 18.

1202.31 Parking lots and/or garages, commercial.

1202.32 Bus and/or rail terminals and accessory maintenance yards and garages.

1202.33 Mini-warehouses.

1202.34 Printing and/or publishing businesses.

1202.35 Custom butchering/meat curing/processing.

1202.36 Warehousing, distribution and storage of non-hazardous goods, not to exceed 10,000-square feet of floor area.

1202.37 Impoundment storage yards.

1202.38 Single and multiple household dwellings not to exceed a density of one dwelling unit per 3,600-square feet and further provided that the site shall not be considered a residential site. Additional non-residential principal uses shall not be allowed in manufactured/mobile home parks nor on multiple-household dwelling sites; non-residential uses accessory to the multiple-household use are permitted.

1202.39 Residential care homes.

1202.40 Residential care institutions.

1202.41 Health clinics.

1202.42 Car washes.

1202.43 Emergency vehicle stations not otherwise exempted by Article 20.

1202.44 Commercial plant nurseries.

1202.45 Farmers markets.

1202.46 Community gardens.

1203 Site Development Standards

All uses permitted in GB Zoning Districts shall conform to the following minimum site development standards in addition to the provisions of Article 18:

1203.01 Maximum Height

Structure	40-feet above grade
Fence or wall	10-feet above grade

1203.02 Setbacks, Principal and Accessory Structures/Uses

The minimum setback shall be measured from the closest point on the property line or the edge of the road travelway to the structure/use, whichever is closer, as follows:

A. For those GB Zoning Districts which abut LI, HI, GB, or NB or PD Zoning Districts, the setback shall be a minimum of 5-feet, except that the structure/use shall maintain a setback of 20-feet from any road travelway and any other setbacks required by building codes. Zero lot lines between townhouses or condominiums within an approved subdivision shall be permitted. The minimum setbacks for Special Uses shall be 10-feet.

B. For those GB Zoning Districts which abut RU, R, SR, SM, PD, or MR Zoning Districts the setback shall be a minimum of 40-feet and 20-feet from any road travelway. Zero lot lines between townhouses or condominiums within an approved subdivision shall be permitted. The minimum setbacks for Special Uses shall be 80-feet.

1203.03 Maximum Site Coverage

85-percent.

1203.04 Distances Between Structures

Except as otherwise provided in these Zoning Regulations, the minimum distance between principal structures shall be 15-feet; 10-feet for multiple-household structures. Nothing herein shall prevent permanent attachment of principal structures.

1203.05 Screening

In Category A, B and C Growth Areas whenever a non-residential use abuts a residential Zoning District or is separated therefrom by an alley, the developed area of the non-residential site shall be screened with a 6-foot high solid screen (see Article 2 for definition). Non-residential outdoor storage shall be screened regardless of abutting Zoning District. The County Zoning Inspector may defer the screening if the abutting residentially-zoned property is not yet developed with a residential use. In Category D (Rural) Areas, whenever a non-residential use abuts an area designated as Rural Residential (RR), the developed area of the non-residential site shall be screened with a 6-foot high solid screen; otherwise screening is not required.

1203.06 Electrical Disturbance and Glare

No use except a temporary construction operation shall be permitted which creates harsh, uncomfortably bright light detectable beyond the boundaries of the site. No use shall be permitted which creates electrical disturbances that unreasonably affect the operation of any equipment beyond the boundaries of the site.

1203.07 Noise or Vibration

No noise or vibration (other than normal vehicular traffic) shall be permitted which is discernible on neighboring residential sites to the unaided human senses for 3-minutes or more duration in any 1-hour of the day between the hours of 7:00 a.m. and 7:00 p.m. or of 30-seconds or more duration in any 1-hour between the hours of 7:00 p.m. and 7:00 a.m.

1203.08 Odors

No emission of odorous gases or other odorous matter shall be permitted in quantities sufficient to be offensive or to create a nuisance or hazard beyond the site boundaries.

1203.09 Other Nuisances or Emissions Beyond the Site Boundaries

No emission shall be permitted which can damage health, animals or vegetation or other forms of property or which can cause any nuisance or hazard.

1204 Permitted Accessory Uses

Accessory uses are permitted in GB Zoning Districts provided they are customarily incidental to an established permitted principal use. Accessory structures may exceed the size of the principal structure provided that all other site development standards are met. The following additional accessory uses and structures shall be permitted:

1204.01 Recreational Vehicles (RV's) are allowed as follows:

A. No permit is required for storage of no more than two RV's on a parcel.

B. Temporary occupancy of one RV in conjunction with a permitted principal use up to six-months in a calendar year with a required Temporary Use Permit; stays of 15-consecutive days or less do not require a permit.

C. Temporary occupancy of RV's in conjunction with the construction of a residential or non-residential permitted principal use. Such occupancy shall be limited to the length of the permit with a required Temporary Use Permit, subject to procedures in Article 17.

D. Recreational vehicles accessory to a principal permitted use may not be rented out.

1204.02 Rooms in the principal dwelling for roomers, not exceeding two such persons per dwelling unit, (no permit is required).

1204.03 Home Occupations in a principal dwelling.

1204.04 Wind Energy Systems, subject to site development standards in Article 18.

1204.05 Solar Energy Systems, subject to site development standards in Article 18.

1205 Special Use Authorization

The following land uses require a Special Use Authorization from the Planning Commission in the GB Zoning Districts, subject to the procedures and review criteria set forth in Article 17. If granted, each land use will also require a Non-Residential Use permit.

1205.01 Manufacturing, wholesaling, warehousing, distribution, and/or storage of goods.

1205.02 Zoos and/or other outdoor animal exhibits.

1205.03 Fairgrounds and/or amusement parks.

1205.04 Animal husbandry services.

1205.05 Motion picture production sites/studios, permanent.

1205.06 Recycling centers.

1205.07 Offender rehabilitation facilities.

1205.08 Jails, prisons, and/or detention centers.

1205.09 Swap meets.

1205.10 Repair services, large engines.

1205.11 Repair services (unenclosed), small engines.

1205.12 Communications towers exceeding 40-feet in height, subject to site development standards in Article 18.

1205.13 Regional sewage treatment plants.

1205.14 Truck stops.

1205.15 Lighted Outdoor Recreation Facilities.

1205.16 Golf courses.

1205.17 Solar Energy Power Plants, subject to site development standards in Article 18.

1205.18 Wind Energy Power Plants, subject to site development standards in Article 18.

1205.19 Medical Marijuana Cultivation Facility, subject to site development standards in Article 18.

1205.20 Medical Marijuana Dispensary, subject to site development standards in Article 18.

1205.21 Medical Marijuana Dispensary Cultivation Facility, subject to site development standards in Article 18.

1205.22 Medical Marijuana Infusion Facility, subject to site development standards in Article 18.

ARTICLE 13

LI, LIGHT INDUSTRY ZONING DISTRICT

1301 Purpose

The LI (Light Industry) Zoning District is established:

1301.01 To encourage the establishment of light industrial uses in locations which are suitable and appropriate, taking into consideration land uses on adjacent and nearby properties, access to major streets and highways, rail services and other means of transportation, and availability of public utilities;

1301.02 To encourage manufacturing uses which can be operated in a relatively clean, quiet and safe manner, without producing objectionable effects that would impose hazards to adjacent and nearby properties by reason of smoke, soot, dust, odor, radiation, noise, vibrations, heat, glare, toxic fumes, or other conditions that would adversely affect the public health, safety, convenience and general welfare; and

1301.03 To allow heavy commercial, but not residential, uses compatible with light industrial uses.

1302 Permitted Principal Uses

The following uses shall be permitted in the LI Zoning Districts, provided that they conform to the applicable site development standards for such uses set forth below, and meet any other requirements for such uses found in these Zoning Regulations, such as off-site road and drainage improvements..

Use

1302.01 Educational services.

1302.02 Utility installations not otherwise exempted by Article 20, other than regional sewage treatment plants, electric generation plants, and solid waste landfills or incinerators.

1302.03 Churches or places of religious worship.

1302.04 Banks and/or banking services.

1302.05 Personal and professional services.

1302.06 Research and/or testing laboratories.

1302.07 Veterinary clinics and/or animal hospitals.

1302.08 Animal husbandry services.

1302.09 Indoor and/or outdoor recreational facilities.

1302.10 Convenience stores.

1302.11 Riding stables, commercial, on a minimum site of 10-acres.

1302.12 Retail sales, including outdoor sales, rentals or accessory storage.

1302.13 Gasoline/service stations.

1302.14 Restaurants, bars, taverns, nightclubs and/or off-site winery tasting rooms.

1302.15 Swap meets.

1302.16 Repair services, large engines.

1302.17 Repair services, light.

1302.18 Repair services, small engines.

1302.19 Contract construction services.

1302.20 Communications towers at a maximum height of 199-feet, subject to site development standards in Article 18.

1302.21 Parking lots, commercial.

1302.22 Bus, rail, and/or truck terminals, and accessory maintenance yards and garages.

1302.23 Manufacturing, wholesaling, warehousing, distribution, and/or storage of goods.

1302.24 Motion picture production sites/studios.

1302.25 Printing and/or publishing businesses.

1302.26 Custom butchering/meat curing/processing.

1302.27 Mini-warehouses.

1302.28 Hospitals, including ambulatory services.

1302.29 Funeral and/or crematory services.

1302.30 Recycling centers.

1302.31 Cultural, historic and/or nature exhibits.

1302.32 Welfare and/or charitable services.

1302.33 Impoundment storage yards.

1302.34 Zoos and/or other animal exhibits.

1302.35 Fairgrounds and/or amusement parks.

1302.36 Truck stops.

1302.37 Emergency vehicle stations not otherwise exempted by Article 20.

1302.38 Recycling/Solid waste transfer facilities.

1302.39 Commercial plant nurseries.

1302.40 Car Wash.

1302.41 Anemometers, with temporary use permit not to exceed 3-years.

1302.42 Ag-processing with a 300-foot minimum setback.

1302.43 Slaughterhouse/meat packing plants with a 300-foot minimum setback.

1302.44 Farmers markets.

1302.45 Community gardens.

1303 Site Development Standards

All uses permitted in LI Zoning Districts shall conform to the following minimum site development standards in addition to the provisions of Article 18:

1303.01 Maximum Height

Structure	40-feet above grade (except Communication Towers)
Fence or wall	10-feet above grade

1303.02 Setbacks, Principal and Accessory Structures/Uses

The minimum setback shall be measured from the closest point on the property line or edge of the road travelway to the structure/use, whichever is closer. The minimum required setbacks for permitted uses are:

A. For those LI Zoning Districts which abut LI, HI, GB or PD Zoning Districts, the setback* shall be a minimum of 5-feet , except that the structure/use shall maintain a setback of 20-feet from any road travelway and any other setbacks required by building codes.

B. For those LI Zoning Districts which abut RU, R, SR, SM, PD-1, NB or MR Zoning Districts the setback* shall be a minimum of 80-feet and 20-feet from any road travelway.

* The minimum setbacks for Special Uses shall be 160-feet.

1303.03 Maximum Site Coverage

85-percent.

1303.04 Distance Between Structures

Except as otherwise provided in these Zoning Regulations, the minimum distance between structures shall be 15-feet; 10-feet for multiple-household structures. Nothing herein shall prevent permanent attachment of principal structures.

1303.05 Screening

In Category A, B and C Growth Areas whenever a non-residential use abuts a residential Zoning District or is separated therefrom by an alley, the developed area of the non-residential site shall be screened with a 6-foot high solid screen (see Article 2 for definition). Non-residential outdoor storage shall be screened regardless of abutting Zoning District. The County Zoning Inspector may defer the screening if the abutting residentially-zoned property is not yet developed with a residential use. In Category D (Rural) Areas, whenever a non-residential use abuts an area designated as Rural Residential (RR), the developed area of the non-residential site shall be screened with a 6-foot high solid screen; otherwise screening is not required.

1303.06 Electrical Disturbance and Glare

No use except a temporary construction operation shall be permitted which creates harsh, uncomfortably bright light detectable beyond the boundaries of the site. No use shall be permitted which creates electrical disturbances that affect the operation of any equipment beyond the boundaries of the site.

1303.07 Noise or Vibration

No noise or vibration (other than normal vehicular traffic) shall be permitted which is discernible on neighboring residential sites, to the unaided human senses for three-minutes or more duration in any one-hour of the day between the hours of 7:00 a.m. to 7:00 p.m. or of 30-seconds or more duration in any one-hour during the hours of 7:00 p.m. and 7:00 a.m.

1303.08 Odors

No emission of odorous gases or other odorous matter shall be permitted in quantities sufficient to be offensive or to create a nuisance or hazard beyond the site boundaries.

1303.09 Other Nuisances or Emissions Beyond the Site Boundaries

No emission shall be permitted which can damage health, animals or vegetation, or other forms of property, or which can cause any nuisance or hazard beyond the site boundaries.

1304 Permitted Accessory Uses

Accessory uses are permitted in the LI Zoning District provided they are customarily incidental to an established permitted principal use. Accessory structures may exceed the size of the principal structure provided that all other site development standards are met.

1304.01 One dwelling or recreational vehicle for the family or employees of the owner/operator or caretaker of the site of a principal use.

1304.02 Recreational Vehicles (RV's) are allowed as follows:

A. No permit is required for storage of no more than two RV's on a parcel.

B. Temporary occupancy of one RV in conjunction with a permitted principal use up to six months in a calendar year with a required Temporary Use Permit; stays of 15-consecutive days or less do not require a permit.

C. Temporary occupancy of RV's in conjunction with the construction of a residential or non-residential permitted principal use. Such occupancy shall be limited to the length of the permit with a required Temporary Use Permit, subject to Article 17.

D. Recreational vehicles accessory to a principal permitted use may not be rented out.

1304.03 Wind Energy Systems, subject to site development standards in Article 18.

1304.04 Solar Energy Systems, subject to site development standards in Article 18.

1305 Special Use Authorization

The following land uses require a Special Use Authorization from the Planning Commission in the LI Zoning Districts, subject to the procedures and review criteria set forth in Article 17. If granted, each land use will also require a Non-Residential Use permit.

1305.01 Cemeteries.

1305.02 Offender rehabilitation facilities.

1305.03 Jails, prisons, and/or detention centers.

1305.04 Slaughterhouses/ meat packing plants.

1305.05 Solid waste landfills or incinerators.

1305.06 Regional sewage treatment plants.

1305.07 Lighted Outdoor Recreation Facilities.

1305.08 Electrical generating plants.

1305.09 Airports, airstrips, helipads, and/or heliports.

1305.10 Wind Energy Power Plants, subject to site development standards in Article 18.

1305.11 Communications towers exceeding 199-feet in height, subject to site development standards in Article 18.

1305.12 Solar Energy Power Plants, subject to site development standards in Article 18.

1305.13 Medical Marijuana Cultivation Facility, subject to site development standards in Article 18.

1305.14 Medical Marijuana Dispensary, subject to site development standards in Article 18.

1305.15 Medical Marijuana Dispensary Cultivation Facility, subject to site development standards in Article 18.

1305.16 Medical Marijuana Infusion Facility, subject to site development standards in Article 18.

1305.17 Commercial feedlots.

1305.18 Ag-processing with less than a 300-foot minimum setback.

1305.19 Slaughterhouse/meat packing plants with less than a 300-foot minimum setback.

ARTICLE 14

HI, HEAVY INDUSTRY ZONING DISTRICT

1401 Purpose

The HI (Heavy Industry) Zoning District is established:

1401.01 To encourage the establishment of heavy industrial uses in locations which are suitable and appropriate, taking into consideration land uses on adjacent and nearby properties, adequacy of access to major streets and highways, rail services and other means of transportation, and availability of public utilities; and

1401.02 To allow within safe limits industrial uses and structures having physical characteristics which may be offensive or hazardous or which might otherwise adversely affect nearby properties and uses.

1402 Permitted Principal Uses

The following uses shall be permitted in the HI Zoning Districts, provided that they conform to the applicable site development standards for such uses set forth below, and meet any other requirements for such uses found in these Zoning Regulations, such as off-site road and drainage improvements.

Use

1402.01 Utility installations not otherwise exempted by Article 20, other than electric generation plants; regional sewage treatment plants; and solid waste landfills or incinerators.

1402.02 Research and/or testing laboratories.

1402.03 Veterinary clinics and/or animal hospitals.

1402.04 Animal husbandry services.

1402.05 Repair services, large engines.

1402.06 Repair services, light

1402.07 Repair services, small engines.

1402.08 Contract construction services.

1402.09 Communications towers, subject to site development standards in Article 18.

1402.10 Bus, rail, and/or truck terminals, and accessory maintenance yards and garages.

1402.11 Commercial feedlots, stockyards, and/or auction barns.

1402.12 Manufacturing, wholesaling, warehousing, distribution, and/or storage of goods.

1402.13 Ag-processing with a 300-foot minimum setback.

1402.14 Custom butchering/meat curing/processing.

1402.15 Jails, prisons and/or detention centers.

1402.16 Offender rehabilitation facilities.

1402.17 Recycling centers.

1402.18 Impoundment storage yards.

1402.19 Motion picture production sites/studios.

1402.20 Parking lots, commercial.

1402.21 Printing and/or publishing businesses.

1402.22 Gasoline/service stations.

1402.23 Banks and/or banking services.

1402.24 Personal and professional services.

1402.25 Truck stops.

1402.26 Emergency vehicle stations not otherwise exempted by Article 20.

1402.27 Funeral and/or crematory services.

1402.28 Restaurants, bars, taverns, nightclubs and/or off-site winery tasting rooms

1402.29 Recycling/Solid waste transfer facilities.

1402.30 Carwash.

1402.31 Anemometers, with temporary use permit not to exceed 3-years.

1402.32 Commercial feedlots with 300-foot minimum setback.

1402.33 Slaughterhouses/meat packing plants with a 300-foot minimum setback.

1402.34 Commercial plant nurseries.

1402.35 Cemeteries.

1403 Site Development Standards

All uses permitted in HI Zoning Districts shall conform to the following minimum site development standards in addition to the provisions of Article 18:

1403.01 Maximum Height

Structure	50-feet above grade (except Communication Towers)
Fence or wall	15-feet above grade

1403.02 Setbacks, Principal and Accessory Structures/Uses

The minimum setback shall be measured from the closest point on the property line or the edge of the road travelway to the structure/use, whichever is closer. The minimum required setbacks for permitted uses are:

A. For those HI Zoning Districts which abut HI, or LI, or PD Zoning Districts, the setback* shall be a minimum of 5-feet, except that the structure/use shall maintain a setback of 20-feet from any road travelway and any other setbacks required by building codes.

B. For those HI Zoning Districts which abut RU, R, SR, SM, PD, NB, MR, or GB Zoning Districts the setback* shall be a minimum of 100-feet and 20-feet from any road travelway.

* The minimum setbacks for Special Uses shall be 200-feet.

1403.03 Maximum Site Coverage

85-percent.

1403.04 Distance Between Structures

Except as otherwise provided in these Zoning Regulations, a minimum distance between principal structures shall be 15-feet; 10-feet for multiple-household structures. Nothing herein shall prevent permanent attachment of principal structures.

1403.05 Screening

Whenever a non-residential use abuts a residential Zoning District or is separated therefrom by an alley, the developed area of the non-residential site shall be screened with a 6-foot high solid screen (see Article 2 for definition). The County Zoning Inspector may defer the screening if the abutting residentially-zoned property is not yet developed with a residential use.

1403.06 Electrical Disturbance and Glare

No use except a temporary construction operation shall be permitted which creates harsh, uncomfortably bright light detectable beyond the boundaries of the site. No use shall be permitted which creates electrical disturbances that unreasonably affect the operation of any equipment beyond the boundaries of the site.

1403.07 Noise or Vibration

No noise or vibration (other than normal vehicular traffic) shall be permitted which is discernible on neighboring residential sites, to the unaided human senses for 3-minutes or more duration in any one-hour of the day between the hours of 7:00 a.m. to 7:00 p.m. or of 30-seconds or more duration in any one-hour during the hours of 7:00 p.m. and 7:00 a.m.

1403.08 Odors

No emission of odorous gases or other odorous matter shall be permitted in quantities sufficient to be offensive or to create a nuisance or hazard beyond the site boundaries.

1403.09 Other Nuisances or Emissions Beyond the Site Boundaries

No emission shall be permitted which can damage health, animals or vegetation, or other forms of property, or which can cause any nuisance or hazard.

1404 Permitted Accessory Uses

Accessory uses are permitted in the HI Zoning District provided they are customarily incidental to an established permitted principal use. Accessory structures may exceed the size of the principal structure provided that all other site development standards are met.

1404.01 One dwelling or recreational vehicle for the family or employees of the owner/operator or caretaker of the site of a principal use.

1404.02 Recreational Vehicles (RV's) are allowed as follows:

A. No permit is required for storage of no more than two RV's on a parcel.

B. Temporary occupancy of one RV in conjunction with a permitted principal use up to six months in a calendar year with a required Temporary Use Permit; stays of 15-consecutive days or less do not require a permit.

C. Temporary occupancy of RV's in conjunction with the construction of a residential or non-residential permitted principal use. Such occupancy shall be limited to the length of the building permit with a required Temporary Use Permit, subject to Article 17.

D. Recreational vehicles accessory to a principal permitted use may not be rented out.

1404.03 Wind Energy Systems, subject to site development standards in Article 18.

1404.04 Solar Energy Systems, subject to site development standards in Article 18.

1405 Special Use Authorization

The following land uses require a Special Use Authorization from the Planning Commission in the HI Zoning Districts, subject to the procedures and review criteria set forth in Article 17. If granted, each land use will also require a Non-Residential Use permit.

1405.01 Electrical generation plants.

1405.02 Regional sewage treatment plants.

1405.03 Solid waste landfills or incinerators

1405.04 Manufacturing, wholesaling, warehousing, distribution, or storage of materials that are inflammable, explosive, hazardous or that create offsite impacts, such as dust, noise, smoke, or odors.

1405.05 Lighted outdoor recreation facilities.

1405.06 Airports, airstrips, helipads, and/or heliports.

1405.07 Junkyards.

1405.08 Slaughterhouses/meat packing plants with less than a 300-foot minimum setback.

1405.09 Wind energy power plants, subject to site development standards in Article18.

1405.10 Solar energy power plants, subject to site development standards in Article18.

1405.11 Medical marijuana cultivation facility, subject to site development standards in Article 18.

1405.12 Commercial feedlots with less than a 300-foot minimum setback.

1405.13 Ag-processing with less than a 300-foot minimum setback.

1405.14 Medical marijuana dispensary facility, subject to site development standards in Article 18.

1405.15 Medical marijuana dispensary/cultivation facility, subject to site development standards in Article 18.

1405.16 Medical marijuana infusion facility, subject to site development standards in Article 18.

ARTICLE 15

PD, PLANNED DEVELOPMENT DISTRICTS

1501 Purpose

To permit the creation of PD (Planned Development) Districts, where the uses and structures proposed are to be planned and developed as units or phases, and which will facilitate mixed use development. The provision for Planned Development Districts and the regulations adapted to such unified planning and development are intended to promote economical and efficient land use, an improved level of amenities, appropriate and harmonious variety in physical development, creative design, and a well-planned urban environment. Future development must be in substantial conformance with the Master Development Plan required for approval of a new PD district.

1502 Permitted Uses

The following uses are permitted in the PD (Planned Development) District:

Use

1502.01 All single-household dwelling units, including manufactured homes, but not including rehabilitated mobile homes and recreational vehicles.

1502.02 Multiple-household dwellings.

1502.03 Group quarters.

1502.04 Manufactured home parks, subject to the site development standards in Article 18.

1502.05 Recreational vehicle parks.

1502.06 Bed and breakfast lodging.

1502.07 Guest lodging.

1502.08 Educational services.

1502.09 Day care facilities and establishments.

1502.10 Utility installations not otherwise exempted by Article 20, other than electric generation plants, regional sewage treatment plants and solid waste landfills or incinerators.

1502.11 Churches or places of religious worship.

1502.12 Welfare and/or charitable services.

1502.13 Personal and professional services.

1502.14 Veterinary clinics and/or animal hospitals.

1502.15 Cultural, historic and/or nature exhibits.

1502.16 Golf courses, subject to the site development standards in Article 18.

1502.17 Indoor and/or outdoor recreational facilities.

1502.18 Retail sales or rentals.

1502.19 Home Occupations.

1502.20 Funeral and/or crematory services.

1502.21 Cemeteries.

1502.22 Civic, social, fraternal, and/or business associations.

1502.23 Printing and/or publishing businesses.

1502.24 Bus and rail terminals and accessory maintenance yards and garages.

1502.25 Parking lots and/or garages, commercial.

1502.26 Mini-warehouses.

1502.27 Contract construction services.

1502.28 Custom butchering/meat curing/processing.

1502.29 Swap meets.

1502.30 Shopping centers.

1502.31 Gasoline/service stations.

1502.32 Research and/or testing laboratories.

1502.33 Repair services, large engines.

1502.34 Repair services, light.

1502.35 Repair service, small engines.

1502.36 Manufacturing, wholesaling, warehousing, distribution, or storage of goods.

1502.37 Jails, prisons, and/or detention centers.

1502.38 Motion picture production sites/studios.

1502.39 Restaurants, bars, taverns, nightclubs and/or off-site winery tasting rooms.

1502.40 Fairgrounds and/or amusement parks.

1502.41 Residential care homes.

1502.42 Residential care institutions.

1502.43 Offender rehabilitation facilities.

1502.44 Agricultural processing services.

1502.45 Zoos and/or other animal exhibits.

1502.46 Recycling centers.

1502.47 Communications towers.

1502.48 Truck stops.

1502.49 Commercial plant nurseries.

1502.50 Heliports, helipads, airports, and/or airstrips designed to serve the development.

1502.51 Lighted Outdoor Recreation Facilities.

1502.52 Anemometers, with temporary use permit not to exceed 3-years.

1502.53 Wind Energy Systems, subject to the site development standards in Article 18.

1502.54 Animal Husbandry Services.

1502.55 Solar energy systems, subject to the site development standards in Article 18.

1502.56 Solar Energy Power Plants, subject to the site development standards in Article 18.

1502.57 Community Gardens.

1502.58 Hospitals

1503 Site Development Standards

In all planned developments, the site will be designed to minimize adverse effects of or on land uses adjacent to the development; minimize impacts upon community facilities and services; prevent undue hazards to people or property on or off-site from traffic, flooding, erosion, subsidence, soil slipping, water adequacy, and other dangers, annoyances or inconveniences; and protect the visual and physical character of the site by considering any prominent natural features, vegetation, drainageways and slopes. Except as expressly modified below, the site development standards stated in Article 18 shall be applicable, unless modified by the Board of Supervisors, based on a specific determination that any such modification will not adversely affect the public health, safety, and general welfare.

1503.01 Minimum Development Area

The minimum area for a PD District shall be 10-acres.

1503.02 Density

Maximum densities shall not be restricted, provided that the proposed infrastructure and improvements will adequately handle the proposed number of residential units.

1503.03 Site Coverage and Design

Site coverage shall be flexible to encourage innovative site design but shall not encroach upon required perimeter setbacks or open space. Site coverage ratios for similar uses in other Zoning Districts shall generally be used as guides to appropriate site coverage ratios in the proposed PD District. Site design shall be evaluated in terms of integrated use of open space, drainage, topography, vehicular and pedestrian circulation, and internal use relationships.

1503.04 Setbacks

Setbacks from the perimeter of the PD District for all uses shall be a minimum of 40-feet, unless other means, including site design, building design, screening, landscaping, and open space, are provided to alleviate potential land use conflicts. The County Zoning Inspector may modify this requirement if, in his opinion, adequate alternatives are provided. If there is a substantial disparity between uses in the PD District and adjacent existing uses, the County Zoning Inspector may increase the perimeter setback.

Setbacks for structures and uses from road travelways and lot boundaries within the PD District shall be specified in the master development plan, but should approximate the setbacks required in Zoning Districts with comparable densities and uses, unless otherwise approved.

1503.05 Open Space

Development under this provision is intended to provide the following:

1. An innovative site planning design in harmony with the natural features and constraints of specific sites;

2. More cost-effective development due to decreased grading and more efficient servicing of the development with utilities, roads and other essential services; and

3. Open space for private or community purposes.

A. Open Space Definition

For the purposes of this Section, open space is that area of land not occupied by buildings, towers, walls, billboards, or man-made impervious surfaces that is set aside or reserved in perpetuity for the use of the public or the occupants of the PD District. It shall be an integral part of the design within the boundaries of the development. The open space calculation shall not include any public or private roads accessing the lots, road right-of-way, outdoor storage areas, junkyards, or golf courses. Historic sites and paths or trails not intended for vehicular access to lots may be included in the open space. If the open space is to be used for agriculture, accessory agricultural structures or roads may be included in the open space.

B. Open Space Ownership and Control

The open space shall be either in private ownership or owned by a property owners' association and shall be protected by covenants and restrictions, satisfactory to the Planning Commission and the Board of Supervisors.

C. Minimum Open Space Area – Residential

At least 50-percent of the gross area of any residential portion(s) of the proposed PD Zoning District shall be retained as Open Space. The location of the Open Space shall be delineated on the master development plan and a reference made to the intended purpose, maintenance, and ownership of the open space. Open space for recreational purposes shall be designed and located to be convenient for the use of the residents of the development.

D. Minimum Open Space Area – Non-Residential Uses

At least 10-percent of the gross area of any non-residential portion(s) of the proposed PD Zoning District shall be retained as Open Space. The location of the Open Space shall be

delineated on the master development plan and a reference made to the intended purpose, maintenance, and ownership of the open space.

E. Hillsides

Any areas of slope greater than 15-percent shall be left as open space.

F. Washes

Washes will remain undisturbed to the extent feasible and the number of crossings minimized to those deemed necessary for general circulation within the development. All development within washes will comply with County Highway and Floodplain regulations and other applicable state and federal laws.

1503.06 Non-Residential Uses in PD Districts

A predominantly residential PD District should be designed to provide non-residential services for the use of the development's residents and guests in order to minimize potential off-site average daily traffic.

1503.07 Sanitary Sewer and Water Systems

No building permits shall be issued for development within a PD Zoning District until provisions have been made for connection onto community water and sanitary sewer systems or some other Arizona Department of Environmental Quality-approved waste disposal system. Conventional septic systems may be used if a community sanitary sewer system is not feasible.

1503.08 Access, Circulation, and Street Improvements

A. Collector or Arterial Access

A PD Zoning District shall have external access to at least one publicly maintained collector or arterial street. The site shall be designed to discourage direct access to a predominantly residential street outside of the development. One additional external access to a collector or arterial street improved to minimum County standards is encouraged to improve overall circulation and provide emergency access.

B. Street Improvement Standards

All streets within a PD District shall be improved to minimum County standards, sufficient to handle anticipated traffic.

C. Design of Vehicular Circulation Systems

Streets and drives shall provide safe and convenient access to uses within the district, but shall not be designed in a manner that encourages outside traffic to use the residential streets within the district. Traffic calming devices are encouraged on local streets. Streets shall not occupy more land than is required to provide access as indicated, nor create unnecessary fragmentation of the development into small blocks.

Principal vehicular access points shall be designed to encourage smooth traffic flow with controlled turning movements and minimum hazards to vehicular or pedestrian traffic. Merging and turnout lanes and/or traffic dividers shall be required where existing or anticipated heavy flows indicate need.

Access from off-street parking and service areas within the development may be made directly to local streets. Vehicular access to other streets from off-street parking and service areas shall be combined, limited, located, designed, and controlled as to channel traffic from and to such areas conveniently, safely, and in a manner which minimize marginal traffic friction and promotes free traffic flow on streets without excessive interruptions.

D. Design of Pedestrian Circulation Systems

An integrated pedestrian system is required. If appropriate, bicycle and equestrian paths may be integrated into this system as well. The system shall form logical, safe, and convenient pedestrian access to all dwelling units, project facilities, recreational open space, and principal off-site pedestrian destinations. Walkways to be used by substantial numbers of children as play areas or routes to school or other destinations shall be located and safeguarded as to minimize contacts with normal automotive traffic. Street crossings shall be held to a minimum on such walkways, located and designed to provide safety, and appropriately marked and otherwise safeguarded. Pedestrian ways, appropriately located, designed, and constructed may be combined with other easements and used by emergency or utility vehicles, but shall not be used by other automotive traffic.

Pedestrian ways, equestrian and bicycle paths shall be, to the maximum extent feasible, separate and protected from vehicular access points. Where there are crossings of such ways and vehicular routes, such crossings shall be safely located, marked, and controlled, and, where such ways are exposed to substantial vehicular traffic, safeguards may be required to prevent crossings except at designated points. Bicycle and/or equestrian paths shall be designated so that street crossings are minimized.

1503.09 Screening

A. Perimeter Screening

Screening, as defined in Article 2, shall be required along the exterior boundaries of all planned developments where a proposed non-residential use abuts a residential Zoning District, unless this protection is provided by other means. Where a developer demonstrates that the natural terrain or site design features – such as placement of structures, uses, open space, landscaping, streets and walkways – fulfill the need for visual protection and physical separation between sites, screening requirements shall be waived.

B. Interior Screening

Screening shall be required within PD Districts, as necessary to minimize the visual impact of non-residential uses on the residential portions of the development, unless the developer demonstrates that other design features will fulfill that purpose.

1503.10 Landscaping

Landscaping shall be required in PD Districts, as necessary to serve the expressed intent of Article 18. Single-household dwelling sites shall be exempt. At a minimum, perimeter setback areas along roads abutting the development shall be landscaped and non-residential sites within the PD District shall be landscaped in a manner consistent with the standards described in Article 18. Landscaping shall consist primarily of drought-tolerant species and make best use of low-water use native vegetation, as well as adhere to the principles of xeriscaping.

1503.11 Maximum Structure Height

The maximum height of all structures in the PD Zoning District may extend to 50-feet above grade, provided that:

A. The site is designed so that structures in excess of 40-feet have a minimum setback from exterior site boundaries that is equal to or greater than the height of the structure, and so that no such structure obstructs a scenic view from adjoining developed properties or public right-of-way.

B. Site design includes sufficient setbacks and open spaces to provide adequate light and air to all uses within the development, and to prevent obstruction of solar access on surrounding sites.

C. Structures proposed at heights greater than 50-feet above grade, such as communication towers, must be approved through the master development plan process.

D. Accessory Wind Energy Systems in the PD Zoning District shall be subject to height limits and other site development standards as found in Article 18.

1503.12 Minimum Distance Between Structures

The minimum distance between principal structures shall generally be 15-feet, except that the Zoning Inspector may approve a smaller separation when site and building design provide adequate light, air, privacy, and fire safety.

1504 Procedures for Planned Development Zoning Amendments and Plan Approval

Planned Development proposals shall be presented in two stages: (1) a pre-application conference; and (2) the submission of a master development plan and rezoning application.

1504.01 Pre-application Conference

A pre-application conference is mandatory for all PD amendments. The Applicant will discuss the proposed development with the Planning Department staff, Highway and Floodplain Department staff, and other interested agencies. The County Zoning Inspector will be responsible for inviting these departments to a joint meeting. At this meeting, the Applicant will submit the general outlines of the proposal and sketch plans as indicated below. After the pre-application conference, the Planning Department staff will furnish the Applicant with written comments regarding the proposal. These comments will include any appropriate recommendations to inform and assist the Applicant prior to preparing the Planned Development application. After the Applicant has identified the scope of the proposed project at this conference, County staff will identify governmental departments and agencies that will be involved in the subsequent review process, determine what studies and reports will be necessary to adequately assess the proposal, and establish the number of copies of all plans and reports which will be required. The Applicant is required to provide the following information for the pre-application conference:

A. Data concerning: site conditions; land characteristics; community facilities including streets, water and power, schools, and sewage disposal; other general information about land uses within one-half mile of the proposed development.

B. A sketch showing the proposed location of land uses, major streets, and any other significant features.

1504.02 Master Development Plan and Rezoning Application

A. Master Development Plan Submittal

After the pre-application conference and receipt of the staff's comments, the Applicant may submit an application for a rezoning to a Planned Development District, as set forth in Article

22, in the same manner as for other amendments of Zoning District classifications. Materials submitted with the rezoning application shall include: the proposed master development plan, as set forth in Article 4 including a specific demonstration of compliance with the applicable site development standards, a Public Participation Report as required in Article 4 of these Zoning Regulations, and all appropriate fees. The master development plan and Zoning District amendment application shall be processed concurrently.

B. Review of Master Development Plan and Report(s)

After the materials specified in Paragraph A above have been submitted to the Planning Department, staff will review the application, the master development plan, and the report. The Applicant will be notified in writing of any deficiencies in the design of the development, the requested reports, and information, or any other submittals. When the County Zoning Inspector determines that the plan conforms with all applicable development standards, or that appropriate waivers have been requested, and that the Applicant has submitted all of the required documents in appropriate form, he or she will schedule a public hearing before the Planning Commission for the next available meeting.

C. Planning Commission Hearing, Zoning Amendments and Master Development Plan

1. The County Zoning Inspector shall forward the complete application to the Planning Commission for a public hearing. Notice of this hearing shall be posted and advertised as set forth in Article 22 of these Zoning Regulations. The Planning Commission shall review the master development plan for conformance with submittal requirements and the applicable site development standards. The Planning Commission may recommend modifications of the site development standards, consistent with the provisions of Article 15.

2. Based upon specific findings to be adopted by the Planning Commission, the Planning Commission shall recommend to the Board of Supervisors that the proposed PD Zoning District amendment and the accompanying master development plan:

    a. Be approved unconditionally, without modification; or

    b. Be approved conditionally, with approval conditioned upon certain revisions to the master development plan, or other appropriate requirements, including scheduled improvements or limits on types of permitted uses; or

    c. Be denied, based upon the specific findings included with this recommendation.

D. Board of Supervisors' Hearing

1. The Board of Supervisors shall consider this application in the same manner as other Zoning District amendments, as set forth in Article 22, together with the proposed master development plan. If the proposal constitutes a "major amendment," as defined in Article 4 of these Zoning Regulations, it shall be presented at the time and in the manner required for "major amendments." Following the hearing on this proposal, the Board of Supervisors may approve the proposed zoning amendment and master development plan as submitted; approve modifications of the site development standards; approve either or both subject to certain modifications or limitations, including limits on the types of permitted uses; approve either or both subject to certain conditions or infrastructure requirements; or decline to approve both. The Board shall adopt findings, indicating the basis for its action, in connection to this action.

2. The Board of Supervisors may approve a Master Development Plan and/or the PD zoning conditioned on a schedule for the completion of certain actions or improvements. If the property owner fails to comply with this schedule, at the expiration of the applicable time period, the Board shall schedule a public hearing to consider granting an extension, determining a revised compliance schedule, or revoking approval of the Master Development Plan and PD zoning. If the Board revokes its approval, the PD Zoning District shall revert to its original zoning. The owner, and any successors in interest who have provided written notice of this interest to the Planning Department, shall be notified of the hearing by registered mail.

1505 Amendments to Approved Master Development Plans for the PD Zoning District

Minor amendments to an approved final Master Development Plan may be authorized by the County Zoning Inspector upon written application by the Applicant or successors in interest, but only upon a finding that: a) such amendments are in accord with all Regulations in effect at the time the change is requested; b) the amendments are consistent with the purpose and scope of the Master Development Plan approved by the Board of Supervisors and are unlikely to result in any increase in off-site impacts; and c) the amendments are consistent with the general intent and purpose of the Comprehensive Plan in effect at the time of the proposed change.

Any proposed amendment that does not meet each of the criteria stated above shall be formally submitted for approval in the same manner as an original application.

1506 Previously Zoned PD-1 and PD-2 Districts

All previously-zoned PD-1 and PD-2 Zoning Districts shall be deemed to be PD Zoning Districts. If a previously-zoned PD-1 or PD-2 district has an approved, un-expired master development plan or final plan, then all applications for residential and non-residential permits and subdivisions shall be in substantial conformance with that plan and subject to all conditions of that plan. Any proposals to amend the plan are subject to the provisions of Section 1505, herein.

In the event that a previously-zoned PD-1 or PD-2 District has no approved plan or has an expired plan, then a master development plan for the entire, contiguous PD-1 or PD-2 District, per the requirements of this article, shall be required prior to the issuance of a residential or non-residential permit or approval of a subdivision tentative plat. If there is no current plan in effect, the property owner may, in the alternative, request that a previously-zoned PD-1 or PD-2 Zoning District, or portion thereof, revert to its original zoning and Comprehensive Plan designation. If PD-1 or PD-2 was the original zoning, or a reversion to the original zoning is not appropriate, then a property owner may apply for another Zoning District compatible with the surrounding Comprehensive Plan designation, subject to the provisions of Article 22.

1507 Residential Minor Expedited Subdivision Option

Pursuant to the Cochise County Subdivision Regulations, the Minor Expedited Subdivision is available when subdividing 20-lots or fewer.

ARTICLE 16

LIGHT POLLUTION

Contents of Article 16

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1601 Purpose

1601.01 To achieve effective and efficient lighting, while preserving the safety, security, and well-being of County residents and visitors.

1601.02 To protect and enhance the lawful nighttime use and enjoyment of all property through protection of and access to the dark night skies, and to encourage the conservation of energy and other resources.

1601.03 To specify and encourage lighting practices and systems that will minimize the adverse man-made light pollution effects of sky-glow, glare and light trespass.

1601.04 To ensure that all signs installed in the County are compatible with the County's largely rural character, are in compliance with the Comprehensive Plan, and to ensure that no sign shall be brighter than is necessary for clear and adequate visibility.

1602 Administration

1602.01 Conformance with Applicable Codes

All outdoor electric illuminating devices shall be installed in conformance with all provisions of these Zoning Regulations, Cochise County Subdivision Regulations, and any applicable building codes. Where any provision of any of the Arizona Revised Statutes, or any Federal Law, or any related Cochise County regulation conflicts with the requirements of this Article, the most restrictive shall govern.

1602.02 Approved Material and Methods of Installation

The provisions of this Article are not intended to prevent the use of any material or method of installation not specifically proscribed by this Article, provided any such alternate has been approved. The County Zoning Inspector may approve any such alternate provided the proposed design, material, or method:

A. Provides approximate equivalence to those specific requirements of this Article, or

B. Is otherwise satisfactory and complies with the intent of this Article.

1602.03 Applicability

A. New Uses, Buildings and Additions or Modifications:

The requirements of this Article shall apply to any and all new uses and to additions to existing land uses, developments, buildings, or structures.

1. If a major addition occurs on a property with a non-residential use, the entire property shall comply with the requirements of this Article. For purposes of this section, major additions are additions of 50-percent or more in terms of additional dwelling units, gross floor area, or seating capacity, either with a single addition or with cumulative additions subsequent to the effective date of this provision.

2. Minor additions (defined as additions or modifications less than 50-percent of existing uses) on a property with a non-residential use shall require the submission of a complete inventory and site plan detailing all existing and any proposed new outdoor lighting. Any new lighting on the site shall meet the requirements of this Article with regard to shielding and lamp type; the total amount of lumens after the modifications are complete shall not exceed that on the site before the modification, or that permitted by this Article, whichever is larger.

B. Change of Use. Whenever the use of any existing building, structure, or premises is changed to a new use, all outdoor lighting shall be reviewed and brought into compliance with all provisions of this Article before the new use commences.

C. Resumption of Use after Abandonment. If a property or use with non-conforming lighting is abandoned as defined in Section 1603, then all outdoor lighting shall be reviewed and brought into compliance with all provisions of this Article before the use is resumed.

1602.04 Special Use Authorization Requirements

Any application or lighting installation not meeting all requirements of this Article, including, but not limited to height, shielding, curfew, or lumen caps shall require a Special Use Authorization pursuant to Article 17. At the time of Special Use Authorization submittal, the proposed installation shall be certified by a knowledgeable Arizona Registered professional with complete specifications, including total lumen/ nit count to meet the requirements of off-site glare and light trespass, as specified in this Article.

1603 Definitions

Abandonment - The discontinuation of use for a period of three years or more.

Class 1 Lighting - All outdoor lighting used for, but not limited to, outdoor sales or eating areas, assembly or repair areas, recreational facilities and other similar activities where COLOR RENDITION is important. Class 1 lighting includes metal halide, liquid crystal display (LCD), light emitting diode (LED), plasma, quartz halogen and similar light sources and technologies.

Class 2 Lighting - All outdoor lighting used for, but not limited to, illumination for walkways, roadways, equipment yards, parking lots, and outdoor security where GENERAL ILLUMINATION for safety or security is the primary concern.

Class 3 Lighting - All outdoor lighting used for DECORATIVE effects, including but not limited to, architectural illumination, flag and monument lighting, and illumination of vegetation.

Color Rendition - The ability of a light source to faithfully reproduce the colors seen in an object.

Correlated Color Temperature (CCT) - This temperature best indicates the colors of light shining from a bulb or lamp. CCT is listed with all new lighting sources (lamps and bulbs), and by standard, the temperature is given in degrees Kelvin. Low Kelvin numbers represent “warm light and higher numbers represent “cool light”.

Decorative - Class 3 lighting which is used for non-utilitarian purposes such as lighting building exteriors, fountains, flags, landscaping, holiday and seasonal decorations.

Developed Site - Acreage refers to the developed area of the site, including, but not limited to area used for buildings, structures, storage and service areas, parking, loading, driveway areas, required setback areas and required landscaping related to the use, but not areas that are only cleared.

Foot-candle - A unit of illumination produced on a surface. For the purpose of this Article, one foot candle is equivalent to one lumen.

General Illumination - Outdoor lighting used for, but not limited to, illumination for walkways, roadways, equipment yards, parking lots, and outdoor security where safety or security of the grounds is the primary concern.

IESNA - Illuminating Engineering Society of North America.

Illuminance - The amount of light striking a surface area, measured in footcandles or lux. For conversion purposes, 1 footcandle (fc) is equal to 10.76 lux (lx).

Installed - The attaching, or assembling in place of any outdoor light fixture.

Lamp - A generic term for a source of “light” often called a “bulb,” “tube”, “diode”, “module”, “display,” or an “array.”
LED (Light Emitting Diode) - A semiconductor diode or bulb that emits light when voltage is applied to it and is used in electronic devices.

Light Fixture, Fully Shielded - A light fixture constructed, installed, and maintained in such a manner that all light emitted by the fixture, either directly from the lamp or indirectly by reflection or refraction from any part of the fixture, is projected below a horizontal plane running through the lowest part of the fixture.

A practical way to determine if a fixture or tube is fully shielded: if the lamp or tube, any reflective surface, or lens cover (clear or prismatic) is visible when viewed from above or directly from the side, from any angle around the fixture or tube, the fixture or tube is not fully shielded.

Light Fixture, Outdoor - A complete lighting assembly (including the lamp, housing, reflectors, lenses and shields), less the support assembly (pole or mounting bracket). Includes luminous tubes, lamps, or similar devices, permanently installed or portable, used for illumination, decoration, or advertisement.

Light Trespass - Stray electric light in excess of the levels specified in Section 1605.01 falling where it is not wanted or needed. Direct or reflected light that has its source on one site, and illuminates areas beyond the property boundaries. Light trespass is typically produced by stray light from unshielded or misdirected outdoor lighting, and includes glare from direct viewing.

Lumen - A unit used to measure the total amount of light that is produced by a lamp. For the purpose of this code, one lumen is equivalent to one foot candle.

Luminaire - A light fixture, including the complete lighting assembly (including lamps, housings, reflectors, lenses and shields), but excluding the support assembly.

Nit - A unit of luminance measured as one candela per meter-squared.

Opaque - Opaque means a material that does not transmit light from an internal illumination source.

Outdoor Light Fixtures - Outdoor electric illuminating devices, outdoor fixtures, lamps and other devices; searchlights, spot lights, flood lights, permanently installed or portable, used for illumination, emergency, security or commercial purposes. Such devices shall include, but are not limited to, lights for:

a. Parking lots
b. Roadways
c. Buildings and structures
d. Recreational areas and facilities
e. Landscaping decorative effects
f. Billboards and signs (advertising and other)
g. Product display areas

Outdoor Recreational Facility - An area designed for active recreation, whether publicly or privately owned, including but not limited to parks, baseball or softball diamonds, soccer and football fields, golf courses, tennis courts, and roping/equestrian arenas.

Person - Shall mean any private individual, tenant, lessee, owner, or any commercial entity including but not limited to companies, partnerships, joint ventures, or corporations.

Residential Lighting - Residential refers to outdoor lighting for single household dwellings.

Searchlight - A lighting assembly designed to direct the output of a contained lamp in a specific tightly focused direction (a beam) with a reflector located external to the lamp and with a swiveled or gimbaled mount to allow the assembly to be easily redirected. Such lights are commonly used to sweep the sky for advertisement purposes.

Shield - A device that is attached onto or inserted into a luminaire to alter the direction of light being emitted. A luminaire that has a shield attached or inserted is considered to be "shielded."

Sign, Digital - A type of electronic display that can show programming, menus, information, advertising, and other messages. Digital signs are lighted typically animated, flashing and utilize technologies such as LCD, LED, plasma displays, or projected images to display content.

Sign, Illuminated - For the purposes of this Article, a sign lighted by or exposed to artificial lighting either by lights within the sign or directed toward the sign.

Sky-glow - The undesirable and unnecessary emission of light rays, directly or indirectly, into the night sky.

Uplighting - A lamp or light designed or positioned to cast its light upwards.

Use, Non-Residential - The use of land for a purpose other than single-household dwelling units.

Watt - The unit used to measure the electrical power consumption (not the light output) of a lamp**.**

1604 Procedures for Lighting Compliance

1604.01 Applications

A. Any individual applying for a building or use permit under these Zoning Regulations intending to install outdoor light fixtures shall as a part of said application submit evidence that the proposed work will comply with this Article.

B. All other individuals intending to install, replace or improve any outdoor light fixture shall comply with the provisions of this Article, and if a permit is required by these Zoning Regulations or Building Codes, submit an application to the County Zoning Inspector providing evidence that the proposed work will comply with this Article.

1604.02 Contents of Application or Submission

The following plans and descriptions shall be sufficiently complete to enable the County Zoning Inspector to readily determine whether the project will be in compliance with the requirements of this Article. If such plans and descriptions are not sufficient to enable this ready determination, by reason of the nature or configuration of the devices, fixtures or lamps proposed, the applicant shall submit evidence of compliance prepared by a certified illumination engineer. The submission shall contain:

A. Plans indicating the location on the premises, and the type of all illuminating devices, existing and proposed, as well as total lumens or nits emitted.

B. Description of the existing and proposed illuminating devices, fixtures, lamps, supports and other devices, and the initial lumen output. This description shall include but is not limited to, manufacturers' catalog cuts, photographs, diagrams and/or drawings.

1604.03 Issuance of Permits

Upon compliance with these lighting provisions, as well as the other requirements for permit issuance, the County Zoning Inspector shall issue a permit. The appeal procedures of these Zoning Regulations for decisions of the County Zoning Inspector shall apply in the event of any dispute as to the application of this Article.

1604.04 Amendment to Permit

Substitution of outdoor light fixtures or lamps after a permit has been issued requires County Zoning Inspector approval prior to installation. Amendments to permits for the installation of outdoor light fixtures require adequate information to assure compliance with Section 1604.02 of this Article.

1604.05 Accessibility for Inspections

The Applicant will provide a means to safely inspect any digital sign over five-feet tall from the ground.

1605 General Requirements

1605.01 Light Trespass and Glare

A. All fixtures and lamps shall be located, installed, directed, shielded, and maintained to avoid light trespass and to minimize direct light and/or glare on neighboring properties and roadways. Accent lighting shall be directed onto the building or object and not toward the sky or onto adjacent properties.

B. For a receiving residential site, the level of light trespass shall not exceed 0.2-lumens as measured with a lumen meter's sensor perpendicular to the light source at a height of five-feet above the ground and located five-feet inside the receiving property line. For a receiving non-residential site, the level of light trespass shall not exceed 0.5-footcandles under the same parameters.

1605.02 Height

A. Residential Sites: The overall height of lighting fixtures (including the base) shall not exceed 20-feet above ground level, except for residential sites with a minimum parcel size of four-acres or larger, lighting fixtures which are located 50-feet or more from any property line shall not exceed 30-feet in height (including the base) above ground level. Digital signs shall meet all requirements per Section 1907.02 of Article 19.

B. Non-Residential Sites: Except as provided herein for specific uses, the overall height of lighting fixtures (including the base) on all non-residential sites shall not exceed 30-feet above ground level, except in the GB, LI and HI zoning districts, the overall height of lighting fixtures located at least 100-feet from any property line shall not exceed 35-feet in height above ground level (including the base). Digital signs shall meet all requirements per Section 1907.02 of Article 19.

1605.03 Lighting Types, Shielding and Curfew Requirements

A. Lighting Types

1. All street lights shall be fully shielded.

2. Low Pressure Sodium lamps are the preferred lamp type for minimizing adverse effects on astronomical observations.

B. General Shielding Requirements

1. All light fixtures required to be fully shielded shall be installed and maintained in a fashion that maintains the fully-shielded characteristics.

2. All uplighting is prohibited, except

a. The lighting of one flagpole. The light shall be focused on the flag and shall not exceed 2,000 lumens. Off-site glare and light trespass shall be eliminated by the use of shielding. Flags that include advertising, business trademarks or symbols, or other forms of commercial communication may not be uplighted at any time.

b. Low voltage or solar landscape lighting not exceeding 150 lumens per fixture.

C. Shielding Requirements for Residential Uses

1. For residential uses, any lamp type with output of 1,000 lumens or more shall be fully shielded. If multiple lamps of less than 1,000lumens are used, and the total lumens are greater than 1,000 lumens in total then shielding is required.
2. Lighting for multiple household dwellings is not considered Residential, and must comply with all requirements for Non-Residential lighting, including, but not limited to lumen caps and curfews for decorative lighting.
3. All light fixtures located within 25-feet of the property line adjacent to a residential use shall use fully shielded luminaries.

D. Shielding and Curfew Requirements for Non-Residential Uses

1. All Non-Residential light fixtures except for unshielded signs shall be fully-shielded.
2. Any Class 1 (Color Rendition), Class 2 (General Illumination), or Class 3 (Decorative Illumination) lamp type shall be shielded in accordance with Table 16.1.
3. All Class 1 (Color Rendition) and Class 3 (Decorative Illumination) lighting shall be extinguished between 11 p.m. (or when the business closes, whichever is later) and sunrise, except:
   a. Seasonal decorations using typical unshielded low-lumen incandescent lamps shall be permitted from Thanksgiving to January 15.
   b. Low voltage landscape lights rated at 150 lumens or less provided the total unshielded lumens do not exceed 1,000 lumens.
   c. Self-contained solar lights rated at 10 watts or less.
4. All light fixtures located within 25-feet of the property line adjacent to a residential use shall use fully shielded luminaires.

1605.04 Total Outdoor Light Output

A. Total outdoor light output, including that for all signs, shielded or unshielded, shall not exceed the limits in Table 16.1. The values in this table are upper limits and not design goals; design goals should be the lowest levels that meet the requirements of the task to reduce glare and reduce energy costs.

B. Shielded flood lights, properly aimed down, at no more than 45 degrees, not to exceed 2,000 lumens per bulb and controlled by a motion sensor device shall be exempt from lumen caps, provided fixtures remain on for short periods only, and not to remain on over 10 minutes after the area has been vacated.

C. Low voltage seasonal decorations, permitted between Thanksgiving and January 15, are not counted toward these limits.

D. Total outdoor light output for various zoning districts is specified in Table 16.1. These maximums are referred to as lumen caps.

Table 16.1

MAXIMUM TOTAL OUTDOOR LIGHT OUTPUT STANDARDS LUMEN CAPS

All Uses in Commercial and Industrial Zoning Districts (NB, GB, LI, HI)[5]	
Total shielded	150,000-lumens per acre of developed site [1, 4, 5]
Total Unshielded	3,000-lumens per acre of developed site [2,3,5]
Non-Residential Uses in Residential and Rural Zoning Districts [6]	
Total shielded	75,000-lumens per acre of developed site [1,4,5]
Unshielded	3,000-lumens per acre of developed site [2,3,5]
Residential Uses in Residential and Rural Zoning Districts Lots one acre or larger	
Shielded	20,000-lumens per acre of developed site [5]
Unshielded	2,000-lumens per acre of developed site [2, 3]
Residential Uses in Residential and Rural Zoning Districts Lots less than one acre	
Shielded	10,000-lumens per residence
Unshielded	2,000-lumens per residence [2, 3]
Digital Signs	
Limited to one sign per developed site with a maximum of 200-nits per site	
Correlated Color Temperature (CCT)	
Maximum CCT of 3,000K permitted for non-residential lamps	

[1] Lumens for all signs are to be included in these caps except as provided in Section 1607.02.

[2] Any lamp with output of 1,000-lumens or more shall be fully shielded.

[3] Does not include the 2,000 lumen lighting exception for flagpoles (Section 1605.03) and floodlights on a motion sensor (1605.04).

[4] All lighting except for safety lighting (Class 2) shall be extinguished between 11 p.m. (or close of business, whichever is later) and sunrise.

[5] Acreage refers to the developed area of the site, including, but not limited to area used for buildings, structures, storage and service areas, parking, loading, driveway areas, required setback areas and required landscaping related to the use, but not areas that are only cleared.

1606 Prohibitions

1606.01 Searchlights, Laser Lights

The operation of searchlights, laser lights, or any similar high intensity light for outdoor advertising or commercial purposes is prohibited.

1606.02 Recreational Facilities

No outdoor recreational facility, public or private, including those with non-conforming lighting shall be illuminated after 11 p.m. except to conclude a specific scheduled event that was unable to conclude before the curfew due to unusual circumstances.

1606.03 Mercury Vapor

The installation of new mercury vapor outdoor light fixtures is prohibited. The use of legal, non-conforming (installed prior to March 3, 1982) mercury vapor light fixtures is prohibited after January 1, 2011.

1607 Signage

1607.01 External Illumination

External illumination for signs shall conform to the shielding restrictions and lumen caps of Table 16.1. All upward-directed sign lighting is prohibited.

1607.02 Internal Illumination

A. Outdoor internally illuminated signs are considered unshielded and shall be adequately sealed and maintained to prevent light leakage.

B. Neon signs shall be treated as internally illuminated signs for the purpose of this Article. Neon lighting extending beyond the sign area shall be considered Class 3 decorative lighting, and shall be subject to the standards applicable for such lighting including, but not limited to, the shielding standards and lumen caps of Table 16.1.

C. Digital Signs
Digital signs that meet the standards as listed in Article 19 are permitted. Digital signs shall be considered unshielded and restricted to total lumen cap per Table 16.1 of this Article. Applicant must supply documentation indicating maximum nit capability for each segment of a digital sign, and demonstrate ability to meet the total nit cap per Table 16.1 of this Article.

16076.03 Other Illuminated Panels

Other internally-illuminated panels or decorations not considered to be signage according to this Article, such as illuminated canopy margins or building faces shall be considered Class 3 Lighting and shall be subject to the standards applicable for such lighting including, but not limited to, the shielding standards and lumen caps of Table 16.1.

1607.04 Curfew

A. Illumination for advertising signs, both externally and internally illuminated, shall be turned off at 11 p.m., or when the business closes, whichever is later. Signs subject to curfews are encouraged to have automatic shut-off timers. Internally illuminated signs with an opaque or dark-colored background and lighter text and symbols are not subject to the curfew, provided at least 50% of the sign is dark colored.

B. Digital signs shall be permitted from sunrise to sunset, except as permitted in Article 19.

1608 Permanent Exemptions

1608.01 Nonconforming Fixtures

Except as provided in Section 1602.03, all outdoor light fixtures existing and legally installed after March 3, 1982 and prior to December 1, 2005, with the exceptions found in Section 1606.02 (curfew for outdoor recreation facilities) and 1606.03 (mercury vapor), may remain “non-conforming” indefinitely; provided, however, that no change in use, fixture replacement, structural alteration, or restoration after abandonment of outdoor light fixtures shall be made unless it thereafter conforms to the provisions of this Article.

1608.02 Fossil Fuel Fixtures
Light produced by the combustion of natural gas or other utility-type fossil fuels is exempt from the lumen cap and shielding requirements of this Article.

1608.03 Equipment and Signal Lights
Equipment and signal lights necessary for agricultural equipment or required by state or federal regulations shall be by the least obtrusive means that meets the applicable operating or regulatory requirements.

1608.04 Federal and State Facilities
Those facilities and lands owned, operated, or protected by the U.S. Federal Government or the State of Arizona are exempt by law from all requirements of these provisions. Voluntary compliance with the intent of this Article at those facilities is encouraged.

1608.05 Emergency Lighting
Temporary lighting to facilitate immediately necessary repairs or similar emergency, such as actions of a public or private utility company necessary to continue or resume service shall be allowed. Lights shall be arranged to reflect light away from and prevent glare to adjoining residential properties and public rights of way to the extent feasible.

1608.06 Agricultural operations
Those agricultural operations that meet the minimum requirements for zoning exemption are also exempt from this Article.

1608.07 Special Exemption
The Zoning Inspector may grant a special exemption to the requirements of this Article only upon a written finding that there are extreme geographic or geometric conditions warranting the exemption and that there are no conforming fixtures that would suffice.

1609 Temporary Exemptions

1609.01 Requests for Temporary Exemptions

Any individual as defined herein may submit a written request to the County Zoning Inspector for a "temporary exemption" to the requirements of this Article. Such exemption will be valid for 30 days, renewable at the discretion of the County Zoning Inspector. The request for Temporary Exemption shall contain at least the:

A. *Specific exemptions requested.*

B. *Specific reasons why the requirements listed in this Article cannot be met.*

C. *Type and use of exterior light involved.*

D. *Duration of time for requested exemption.*

E. *Type and number of lamps and calculated lumens.*

F. *Total lumens of lamp or lamps.*

G. *Proposed location and height of exterior lights.*

H. *Previous temporary exemptions, if any.*

I. *Physical size of exterior light and type of shielding provided.*

In addition to the data above, the County Zoning Inspector may request any additional information to allow a reasonable evaluation of the Request for Temporary Exemption.

1609.02 Appeals for Temporary Exemptions

The County Zoning Inspector, within 15 days from the date of the properly completed Request for Temporary Exemption, shall approve or reject the Request in writing. If rejected, the individual making the Request shall have the right of appeal to the appropriate Board of Adjustment as any other appeal of the County Zoning Inspector's determinations.

1609.03 Private Security Lighting/ Lighting Installed by an Electric Utility

Non-compliant lighting that was installed in good faith by an electric utility shall be brought into conformance with this Article within 5 years of adoption; however, individual light fixtures which are the subject of a citizen complaint or County enforcement action shall be brought into conformance within 30 days of notification of the property owner.

1610 Special Activities

1610.01 Outdoor Recreational Facilities

A. Shielding: All outdoor recreational facilities shall utilize fully-shielded luminaires that are installed in a fashion that maintains the fully-shielded characteristics.

B. Height: The maximum height for pole-mounted luminaires for outdoor recreational facilities is 40-feet.

C. Lighting for public and private outdoor athletic fields, courts, tracks or arenas, shall be considered Class 1 (Color Rendition).

D. Facility lighting shall meet shielding, lumen caps, height limits and all other restrictions of this Article:

1. A Special Use Authorization is required. As part of the Special Use Authorization application process, the lighting system design and installation shall be certified by a knowledgeable Arizona Registered professional or other certified lighting specialist as achieving the minimum illuminance level for the specific activity as recommended by the Illuminating Engineering Society of North America (IESNA) and conforming to all other applicable provisions of this Article, and shall be installed and maintained so as to minimize uplight and offsite light trespass, and with aiming angles that permit no greater than five-percent of the light emitted by each fixture to project above the horizontal.

E. Off-site Trespass: The facility shall limit off-site trespass to the maximum extent possible and shall not cause light trespass onto residentially zoned or developed properties.

F. Curfew: All events shall be scheduled to complete activity before 11 p.m. Illumination of the playing field, court or track shall be permitted after the curfew only to conclude a scheduled event that was unable to conclude before the curfew due to unusual circumstances.

G. All lighting not directly associated with the playing field (e.g. parking lot lighting, concession stand lighting, etc.) shall use Class 2 lighting and shall conform to all requirements of Section 1605 of this Article.

1610.02 Outdoor Display Lots

Lighting for display lots shall be considered Class 1 (Color Rendition), and shall be in compliance with the following standards:

A. Shielding: All display lot lighting shall utilize fully-shielded luminaires that are installed in a fashion that maintains the fully-shielded characteristics.

B. Height: The maximum height for pole-mounted luminaires for outdoor display lots is 40-feet.

C. Display lot lighting shall meet shielding, lumen caps, height limits, and all other restrictions of this Article.

D. If meeting all requirements is infeasible, pursuant to Section 1602.04 a Special Use Authorization is required. As part of the Special Use Authorization application process, the lighting system design and installation shall be certified by a knowledgeable Arizona Registered professional or other certified lighting specialist as achieving the minimum illuminance levels as recommended by IESNA and conforming to all applicable provisions of this Article.

E. Curfew: Display lot lighting shall be turned off between 11 p.m. and sunrise or within 30 minutes after closing of the business, whichever is later. Lighting in the display lot after this time shall be considered Class 2 lighting and shall conform to all restrictions of this Article, including the lumen caps in Table 16.1.

F. Off-site trespass: The facility shall limit off-site trespass to the maximum extent possible and shall not cause light trespass onto residentially zoned or developed properties

1610.03 Service Station Under Canopy Lighting

Lighting for service station canopies shall be considered Class 1 lighting (Color rendition) and shall be subject to the curfew requirements in Section 1605.03 of this Article.

A. Shielding: All luminaires are to be flush with, or recessed into the lower surface of service station canopies and shall be fully shielded and utilize flat lenses.

B. Total Under-Canopy Output: The total light output used for illuminating service station canopies is defined as the sum of all under-canopy initial bare lamp outputs in lumens and shall not exceed 40 lumens per square foot of canopy. Twenty-five percent of the lumens from fully shielded outdoor lighting fixtures installed under canopies shall be counted toward the lumens caps in Table 16.1.

C. Illuminated canopy margins shall be considered Class 3 (Decorative) lighting.

1610.04 Wireless Communications Towers

If tower lighting is required, it shall be the least obtrusive that meets FAA requirements.

1611 Enforcement

1611.01 Violations Deemed a Nuisance

Any outdoor lighting established or maintained in violation of the Article is unlawful and constitutes a public nuisance. The Applicant will provide a means to safely inspect any digital sign over five-feet tall from the ground.

1611.02 Action to Enforce Regulations

For any violation of this Article, the County Attorney may, and upon order of the Board of Supervisors shall, commence all necessary actions or proceedings to enforce this Article including, but not limited to, actions to abate, enjoin, or remove the violating outdoor lighting fixture.

1611.03 Jurisdiction of Hearing Officer

The Hearing Officer who has been designated to hear zoning violation proceedings under these Zoning Regulations shall also hear any violation proceedings under this Article.

1611.04 Rules of Procedure

The rules of procedure for hearings on zoning violations before the County Hearing Officer shall apply to violation proceedings arising under this Article.

1611.05 Remedies

All remedies concerning this Article shall be cumulative and not exclusive. Conviction and punishment of any person hereunder shall not relieve such persons from the responsibility of correcting prohibited conditions or removing prohibited outdoor lighting fixture, and shall not prevent the enforced correction or removal thereof. In addition to the other remedies provided herein, any adjacent or neighboring property owner specially damaged by the violation of any provision of this Article may institute, in addition to any other appropriate remedy or preceding an action for injunction, mandamus, or proceeding to prevent, abate, or remove such unlawful outdoor lighting fixture.

1611.06 Penalties

A. Any person, firm or corporation whether as principal, owner, agent, tenant, employee or otherwise, who violates any provisions of this Article or who violates or fails to comply with any order or regulation made hereunder shall be guilty of a misdemeanor, and upon conviction thereof, shall be punishable as provided for Class 2 misdemeanors by Arizona Revised Statutes. Such person, firm, or corporation shall be deemed guilty of a separate offense for each and every day during which such violation or failure to comply with this Article is committed, continued, or permitted.

B. Paragraph A notwithstanding, each violation of this Article or failure to comply with any order or regulation hereunder may be processed by the County Zoning Inspector as a violation subject to a civil penalty as provided by Arizona Revised Statutes and heard by a duly appointed Hearing Officer, pursuant to the written rules of procedure for such hearings, as approved by the Board of Supervisors. Each day the violation continues, a separate violation will be incurred. Maximum fines are $750.00 for individuals and $10,000.00 for an enterprise, defined as a corporation, association, labor union, or legal entity.

ARTICLE 17

ADMINISTRATION

1701 County Zoning Inspector

The Cochise County Planning Director is hereby designated as County Zoning Inspector, who together with the duly authorized representatives shall enforce the provisions of these Zoning Regulations.

1702 Permits

All County officials, departments, agencies and public employees vested with the duty or authority to issue and observe permits shall assist and cooperate with the County Zoning Inspector. Permits for uses, buildings, or purposes which would be in conflict with these Zoning Regulations shall not be issued, and any such permit so issued in conflict with the Zoning Regulations shall be null and void.

1703 Administrative Rules

The County Zoning Inspector may adopt administrative rules and policies consistent with these Zoning Regulations that carry into effect the provisions of these Zoning Regulations.

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 non-residential uses a permit is required regardless of the dollar value of the improvement when there are applicable building code requirements.

For the purpose of determining the value of any such repair, alterations, or improvements, the normal retail value of materials and labor performed shall be used. Even though no permit is required for repairs or improvements having a certain value or listed below, such repairs, improvements, or alterations shall comply with all other provisions of these Zoning Regulations.

Re-establishment of a discontinued non-residential use shall not require a permit for the same use, provided that the discontinued use was established through the permitting process in place at the time of establishment, and that no new construction is proposed.

****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 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 six-feet high unless on a corner lot. Solid fences or walls greater than three-feet in height on corner lots require an informational permit.

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 5000-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.

1704.02 It is unlawful to erect, construct, reconstruct, maintain, use, or change the use of any land in any Zoning District in violation of any regulation or any provision of this or any ordinance pertaining thereto, and any such violation constitutes a public nuisance.

1704.03 A developer shall not circumvent the permit requirements of this article by making improvements, repairs or alterations which constitute a complete unit through piecemeal or phased construction with the intent to avoid these permit requirements.

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.

1704.05 Uses determined to be exempt under Article 20 which require review pursuant to Arizona Revised Statutes. Uses proposed on State Lands shall require a permit unless determined to be exempt per Article 20.

1705 Application for Building/Use Permit

An application for any building/use permit required by these Zoning Regulations shall be made by the owner, the lessee or any other agent of the owner including the architect, engineer, or builder employed in connection with the proposed work. Applications shall be filed with the County Zoning Inspector on forms provided for that purpose, and shall contain or have attached thereto at least, typically, the following information or documentation:

1705.01 Name, address, and telephone number of the property owner and/or Applicant.

1705.02 Signature of the property owner or Applicant.

1705.03 Legal description, parcel number, and location of the site.

1705.04 The applicable building/use permit fee.

1705.05 Description of all existing and proposed uses on the site.

1705.06 Description of provisions planned for treatment and disposal of sewage and provision for water supply to the site, including on-site septic sewage treatment disposal systems forms and design prepared by a certified soil evaluation/site investigator if applicable.

1705.07 Minimum of one site plan of the layout of the proposed development, drawn to scale, or fully dimensioned showing the following, if applicable:

A. North arrow and scale clearly shown;

B. Site boundaries and dimensions;

C. Known names of adjoining streets;

D. The location and exterior dimensions of all existing and proposed buildings, structures, and uses, including side-elevation drawings showing height of structures if necessary;

E. Location and width of all existing and proposed vehicular driveways and/or access points to the parcel from adjoining streets and alleys;

F. Location of the septic tank, leach field, and area for 100-percent expansion and distances to all structures, wells, washes and property lines and any additional setbacks in the Arizona Administrative Code;

G. Location, depth and width of all drainage ways within 300-feet of proposed improvements;

H. Location, height and materials of walls, fences and screens; and

I. Off-site improvements, such as culverts, driveways, and utility installations.

J. Any other information deemed necessary by the County Zoning Inspector to make a determination of conformance with these Zoning Regulations and as required by the Cochise County Health Department as referenced in the Arizona Administrative Code.

1705.08 If the application is for a non-residential use or multiple-household use, a minimum of nine (9) prints of the site plan shall be submitted, and the following additional applicable information shall also be contained:

A. Location and improved surface type of off-street parking and loading areas, including dimensions, number, and arrangement of spaces and driveways;

B. Location, width, and alignment of all abutting streets and alleys, showing location and type of surface, curbs, gutters, sidewalks, right-of-way boundaries, and distances of driveways from intersections.

C. Location, height, shielding and type of outdoor lighting;

D. Location, height, surface area, and type of signs;

E. Location and type of existing and proposed drainage, utility, and sanitary sewage facilities;

F. A landscaping plan, when landscaping is required, showing the location and kinds of landscaping;

G. Location and type of enclosure of outdoor storage, display, or other activity areas;

H. Drainage and grading plan, and location of any drainage easements;

I. Street dedication, location and type of proposed pavement, curbs, and gutters, when required by these Zoning Regulations;

J. Provisions for solid waste disposal facilities; and

K. Water conservation measures, if the developed portion of the site is one acre or larger.

L. Any other information deemed necessary by the County Zoning Inspector to make a determination of conformance with these Zoning Regulations.

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

1706 Basis for Approval

It shall be the duty of the Cochise County Zoning Inspector to sign and issue building/use permits with the applicable conditions of approval whenever the proposed construction, alteration, repair, use or improvement conforms with the provisions of these Zoning Regulations; and the proposed use does not conflict with any other federal, state, or county statutes, codes or regulations in effect and applicable to the proposed use. A copy of the permit and applicable information shall be transmitted to the Applicant, County Assessor and any other appropriate department or agency.

1707 Withholding Building/Use Permits

If an Applicant fails to provide all of the information required in Section 1705 or fails to satisfy the requirements of Section 1706, the County Zoning Inspector shall withhold approval of the application, and shall provide the Applicant with written notice stating the reason for not approving the application. If a building/use permit cannot be issued by the County Zoning Inspector, the application shall be null and void 120 days after the date of notice.

1708 Display of Building/Use Permit and Plans

With each permit issued, the County Zoning Inspector shall provide the permittee with a placard to be displayed in a noticeable and prominent location on the premises where the permit is to be used, which placard shall state the date issued and work authorized by said permit. Such placard shall be displayed in a location that is clearly visible from the street throughout the duration of the construction, alteration, repair, improvement, or use for which issued. Failure of the permittee to so display the placard may result failed inspections, fines, and/or revocation of said permit by the County Zoning Inspector. In addition to the placard, the permittee must have available on site a copy of the approved site plan and constructions plans, if applicable, for reference by the inspectors.

1709 Final Inspection Requirements and Time Limits

1709.01 Prior to occupancy or use pursuant to an issued building/use permit, all conditions of the permit must be satisfied. It is the Applicant's responsibility to call for the final inspection and to call for septic system inspections prior to construction of the system. It is a violation to use/operate prior to passing final inspection.

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. After three years from the date of initial permit issuance, the permit will be closed. 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.

1710 Revisions to Building Permits

Revisions to a building/use permit which do not substantially alter it may be applied for at any time prior to the completion of the construction, alteration, repair or improvement for which the building/use permit was sought. Such revisions, after approval, shall be filed with and deemed a part of the original application. Substantial modification of the on-site wastewater/ septic system, such as the relocation of the leach fields shall require a new permit application. The County Zoning Inspector shall act upon such revisions in the same manner as the original application.

Example of substantial changes which require a new permit application include but are not limited to changes in use, a major addition to the site, or a major reconfiguration of the site.

1711 Validity of Building/Use Permits

The issuance of a building/use permit shall not be deemed or construed to be a permit for, or an approval of, any use, construction, alteration, repair or improvement which would be in violation of these Zoning Regulations or any other provision of law. No building/use permit presuming to give authority to violate or cancel any provision of these Zoning Regulations or any other provision of law shall be issued, and if issued shall not be valid, except insofar as the use, construction, alteration, repair or improvement which it authorizes is lawful.

1712 Permits – Manufactured Homes & Rehabilitated Mobile Homes

A building permit shall be required for the establishment of any individual manufactured home or rehabilitated mobile home on a site, with the exception of unoccupied manufactured or rehabilitated mobile homes used for display purposes on a manufactured/mobile home sales lot. Occupancy of a manufactured or rehabilitated mobile home shall not occur until completion of the final inspection. If the individual manufactured/rehabilitated mobile home is proposed for occupancy, the permit shall include associated installation fees and rehabilitation fees, if applicable. Permits for such installations shall be

valid for a period of 6-months after issuance. If, after this time, the manufactured home or rehabilitated mobile home has not received a favorable, final installation inspection from the County Zoning Inspector, the permit will be null and void. One extension for an additional 6-month period may be granted upon review and approval by the County Zoning Inspector if the Applicant applies for such an extension in writing prior to permit expiration. All extension requests must be in writing and include the parcel number, reason for the request, completion schedule, and applicable extension fee. After one year from the date of initial permit issuance, the permit will be closed. Any work done after that time will require a new permit with all associated fees and requirements. Permit applications for individual manufactured or rehabilitated homes in a manufactured/mobile home park do not require submission of a site plan.

Manufactured or mobile homes proposed for accessory storage purposes only, and not for use as a dwelling unit, shall only be permitted in RU Zoning Districts on a minimum site of 4-acres and shall not require associated installation fees and inspections as described above provided that they are intended to be used for accessory storage purposes only and they comply with Article 6 and all applicable standards for accessory structures.

No new building permits will be issued for the installation of a "mobile home," unless rehabilitated as defined in Article 2, "mobile home, rehabilitated". This restriction on the installation of "mobile homes" does not prohibit the continued lawful use and reasonable repair of a "mobile home" provided that the standards under these Zoning Regulations for the continuation of a nonconforming use are met, see Article 20.

1713 Misrepresentations

The County Zoning Inspector may revoke any building/use permit issued, including Home Occupation approval where there has been any false statement or substantial misrepresentation of material fact in the application on which the issuance of the building/use permit or home occupation was based.

1714 Building/Use Permit Fee

1714.01 Each building/use permit application shall be accompanied by payment to the "Cochise County Treasurer" of fees in accordance with the adopted Planning and Zoning Fee Schedule. All applications for fee waivers must be approved by the Board of Supervisors.

1714.02 Combined Permit Fees

Except for those applications subject to separate fees under the Building Safety Code, no separate fee shall be charged for accessory structures, sign permits, 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.

1714.03 Building/Use Permit Fee Surcharge

Wherever substantial construction on a site requiring a building/use permit has begun prior to issuance of an approved building/use permit or mobile/manufactured home placed on a property prior to issuance of an approved permit, the Applicant shall be subject to a surcharge added to the applicable fee; thereby increasing the total building/use permit as set forth in the adopted Planning and Zoning Fee Schedule.

1715 Lot Development Administrative Modifications

1715.01 Purpose

A. To allow flexibility in how some of the site development standards are applied to individual lots, but not to larger developments such as subdivisions.

B. To provide flexibility in site development and building code standards that may be appropriate to facilitate improvements in Neighborhood Rehabilitation (NR) and redevelopment (ER) Enterprise Redevelopment areas.

C. To minimize procedural delays and ensure due process in the review of unique and exceptional development situations.

D. To provide administrative relief from zoning requirements that do not affect adjacent properties and the nearby area.

E. To encourage originality, flexibility and innovation in site planning and architectural design.

F. To address any site-specific characteristics or constraints that may warrant the modification(s).

1715.02 Eligible Lot Development Standards

A. The following site development standards may be eligible for a modification of up to 25-percent: minimum setbacks, maximum site coverage, maximum building/structure height and minimum required parking spaces.

B. The minimum site area may be reduced as follows:

1. For any lots that are in a Zoning District with a minimum site area of one-acre or smaller, the minimum site area may be reduced up to 10-percent.

2. For any lots that are in a Zoning District with a minimum site area of more than one-acre, the site area may be reduced up to 4-percent.

1715.03 Application

A. All applications shall be made on forms supplied by the County Zoning Inspector and shall include an accurate site plan as described in Section 1705. In addition, details and reasons need to be provided as to the proposed modification(s).

B. The County Zoning Inspector shall review the application for compliance and completeness. If there are deficiencies, the County Zoning Inspector shall notify the Applicant.

1715.04 Notice to Affected Property Owners

The County Zoning Inspector shall mail a notice to the surrounding property owners within 300-feet of the subject parcel. The notice shall contain a copy of the application and shall state that all comments concerning the proposed request must be forwarded to the Community Development Department in writing within 15-days from the date the notice was mailed.

1715.05 Action on Application

A. Based on staff comments and those from the affected property owners, The County Zoning Inspector shall review the proposed development and requested modification(s) of the standard(s) and shall either approve, approve subject to conditions, or deny the application within 7-working days from the end of the 15-day comment period.

B. The County Zoning Inspector shall use the following criteria to evaluate the proposal:

1. The proposed modification will not violate any provisions of the Comprehensive Plan, area plans, duly adopted master plans or other provisions of these Zoning Regulations.
2. The proposed modification(s) will be considered in light of the surrounding community.
3. The proposed modification(s) will not substantially reduce the amount of privacy currently enjoyed by nearby property owners if the development were located as specified by these Zoning Regulations.
4. The proposed modification(s) will not adversely impact traffic or traffic circulation, drainage, water conservation measures, sewage treatment systems and other such systems.
5. The modification(s) does not create a situation where the proposed use of the property will create a hazard or nuisance.

The County Zoning Inspector shall, via certified mail, provide the Applicant with a notice of disposition and written statement of the decision and reasons therefore, and any conditions of approval. Notice shall also be sent to the surrounding property owners within 300 feet of the site and shall include information on how to appeal the decision made by the County Zoning Inspector and the appeal deadline (see Article 21).

1715.06 Appeals

The decision of the County Zoning Inspector may be appealed to the Board of Adjustment in accordance with the provisions of Article 21.

1715.07 Fees

Applications for a Lot Development Administrative Modification shall be accompanied by the fee specified in the Planning and Zoning Fee Schedule.

1716 Special Uses

1716.01 Purpose

In order to give these Zoning Regulations the flexibility necessary to achieve the objectives of each Zoning District, special use approval may be granted for certain types of uses. Applications proposing more than two special uses on one or more parcels, unless considered to be closely related components of a single type of use, may be required, instead, by the County Zoning Inspector, to apply for a rezoning to an appropriate Zoning District.

Because of their unique characteristics, and often times high potential to adversely impact surrounding properties, special uses may be permitted within the Zoning District only when they can demonstrate that potentially negative off-site impacts have been mitigated.

1716.02 Factors For or Against a Proposed Special Use

The Planning Commission, and the Board of Supervisors if the special use is appealed, shall consider the factors listed below in deciding whether or not to approve a Special Use Permit. Compliance or non-compliance with applicable special use factors serves as the basis for analyzing the special use request and determining factors in favor or factors against the special use. The special use factors represent policy decisions by the Planning Commission and the Board, reducing

uncertainty concerning their probable response to a given request. No set of factors, however, can totally determine the acceptability of all land use proposals. A property owner who adequately demonstrates compliance with the intent of Comprehensive Plan goals and policies may receive approval in spite of non-compliance with any individual factor. Conversely, a determination that unusual circumstances exist or there is significant public protest pertaining to a special use request may result in a denial. Most special uses have both factors in favor and factors against. In a specific special use, an individual factor may weigh more heavily than other factors. All factors will be analyzed and balanced against other factors when making a recommendation.

Compliance with applicable factors below constitutes factors in favor of the special use:

A. Compliance With Duly Adopted Plans

The special use is consistent with the intent, goals, policies, and/or land use designations of the County Comprehensive Plan, Master Development Plans, area plans, transportation plans, or other land use plans if any have been adopted for the area encompassing the special use.

B. Compliance With the Zoning District Purpose Section

The proposed special use shall comply with one or more of the purposes stated in the "Purpose" section of the applicable Zoning District and is compatible with existing development.

C. Development Along Major Streets

The development limits the number of access points on major thoroughfares or arterial streets, and County collectors through the use of frontage roads, shared access, no access easements or other safe methods designed to minimize road cuts that create unsafe traffic conflicts, hazardous traffic congestion and obstruct the functioning of arterials.

D. Traffic Circulation Factors

1. The special use is consistent with preservation of the functions of surrounding streets as defined in the County Comprehensive Plan.
2. The special use does not result in the use of any residential street for non-residential through traffic.
3. Consideration of future circulation needs in the surrounding area have been taken into account through right-of-way dedication and off-site improvements, if warranted.

E. Adequate Services and Infrastructure

The following factors are used to determine if there are adequate services and infrastructure to serve the special use:

1. The Applicant has provided adequate information to evaluate the impacts on roads, other infrastructure, and public facilities. The Applicant must demonstrate that there are adequate provisions to address the impacts identified; the Applicant shall provide data supporting the estimated traffic volume as part of the application.
2. If the site accesses on a road where existing demonstrable traffic problems created by incremental development have already been identified, such as a high number of accidents, substandard road design or surface, or the road is near or over capacity. If so, the Applicant has proposed a method to address these problems.

3. The proposed development meets or will meet the applicable requirements for street, sewer, or water improvements.
4. The site has access to streets that are adequately designed and constructed to handle the volume and nature of traffic typically generated by the use.

F. Significant Site Development Standards

The special use adequately addresses the significant applicable site development standards, including development in or near a floodplain. The Applicant has requested and adequately justified, in writing, any requests for modifications or waivers from site development standards.

G. Public Input

If there is major public opposition to a proposed special use, this may indicate that the technical evaluation regarding compatibility of the use does not concur with the view of local residents and a recommendation of denial may be appropriate. If public concerns have been raised, it is fair to ask if the Applicant has made a reasonable effort to address these concerns through the Citizen Review Process. If there is major public support of a proposed use, this may be a factor in favor of the request.

H. Hazardous Materials

Impacts from special uses that may involve hazardous materials have been adequately mitigated.

I. Off-site Impacts

Adequate measures have been taken to mitigate off-site impacts such as dust, smoke, noise, odors, lights, or storm water run-off.

J. Water Conservation

The special use complies with the water conservation policies in the County Comprehensive Plan or any other adopted area plan and/or those described in Article 18.

1716.03 Procedures for Issuance of a Special Use Permit

A. The Applicant for a special use shall participate in an informal pre-application meeting with staff, to provide a general overview of the proposed project, to obtain information as to the issues that will need to be addressed in the formal application and to discuss the proposed process for citizen notification.

B. Prior to submitting the formal application to the Community Development Department, the Applicant shall notify property owners, homeowners' and community associations in accordance with the Citizen Review Process specified in Article 22.

C. The Applicant for a special use permit shall file an application for a special use on a form provided by the County Zoning Inspector, a Citizen Review Report in accordance with Article 22, the required fee as provided for in the adopted Planning and Zoning Fee Schedule, and a concept plan, and if not the owner of the site, a letter of permission to apply for the Special Use Authorization. The concept plan shall be submitted and reviewed by the Planning Commission as a means to determine whether the special use request will able to meet the essential site development standards set forth in these Zoning Regulations. Note: Any anticipated waivers of the site development standards, such as setbacks, screening, etc., must be requested, justified and approved by the Planning Commission prior to building permit issuance. The Concept Plan, at a minimum, shall include:

1. The type(s) of use(s) planned for the site is specified.
2. The general location, size and height of all structures, location, surface and width of driveways, general location and number of parking spaces, setbacks, proposed screening and landscaping and any significant topographical features such as washes, wetlands, cultural, archaeological or historical sites, hills, and rock outcroppings.
3. Project phasing.
4. Other information deemed necessary to effectively review the special use.

D. Upon receipt of the completed application, the County Zoning Inspector shall submit it to the Planning Commission for consideration and action. Prior to taking action on approving or denying the special use request, the Planning Commission shall:

1. Hold at least one public hearing thereon after at least 15-days' notice by one publication in a newspaper of general circulation in the County seat and by posting the area included in the proposed special use(s).
2. Send notice by first class mail to each owner of real property, as shown on the most recent available records of the last property tax assessment, located within 300-feet of the proposed area of the proposed special use(s), if within Growth Categories A, B, or C, or within 1500-feet, if within a Category D area, and to each county and municipality which is contiguous to the area of the proposed special use(s). If the special use application proposes an airport, airstrip, firearms range, manufacturing, or storage of hazardous materials as a principal use, feedlot, or electric generation plant, then notification by the Planning Commission of property owners shall extend to 1-mile from the subject parcel(s). The notice sent by mail shall include, at a minimum, the date, time and place of the hearing on the proposed special use(s) including a general explanation of the matter to be considered, a general description of the area of the proposed special use(s), and how the real property owners within the area may file approvals or protests of the proposed special use(s).

E. Site development standards contained in these Zoning Regulations are considered applicable unless modified by the Planning Commission or Board of Supervisors on appeal. Standards may be modified based on a finding that modification of a certain standard will not adversely affect the public health, safety, and general welfare. These standards may be increased or decreased and reasonable requirements imposed as deemed necessary to promote the purpose of these Zoning Regulations, including but not limited to the following:

1. Site coverage, structure height and setback requirement;
2. Screening;
3. Off-street parking and loading specifications and improvements;
4. On-site and off-site street and drainage improvements;

5. Regulation of points of vehicular ingress and egress;

6. Regulation of signs;

7. Landscaping;

8. Control of noise, vibration, odor, emissions, hazardous materials and other potentially dangerous or objectionable elements;

9. Hours of operation;

10. Time limits for the commencement of construction or a time limit within which the special use shall cease to exist;

11. Water conservation measures; and

12. Hazardous materials information.

F. If approved by the Planning Commission and no appeal has been submitted within the 15-calendar days appeal period, the Applicant shall return the signed acceptance of conditions and modifications and waiver for diminution of value form within 30-days after approval. However, if the Applicant does not return this form within 30-days after approval, the application for a special use approval shall be deemed null and void. A completed non-residential permit application and site plan meeting the requirements set forth in this Article, in substantial conformance with the approved concept plan and modifications, and accompanied by any additional documentation required by the Planning Commission as a condition of special use approval, shall be submitted within 12-months of approval of the special use or within the time frame otherwise specified by the Planning Commission. At the time of permit submittal, if the special use is not in substantial conformance with the approved concept plan and is not within the general purview of the original notice, then the matter shall be heard at a public hearing before the Planning Commission to modify the plan following the procedures set forth in this Article herein. A non-residential permit must be issued within 18-months of approval by the Planning Commission or within the time frame otherwise specified by the Planning Commission. Upon issuance of a building/use permit, the provisions of this Article regarding the withholding, display, time limit, validity, and misrepresentation of building permits shall be applicable.

G. Should the conditions of the Special Use approval not be met within the time limits specified above or within the time limits specified by the Planning Commission, the Special Use approval may be revoked after 30-days notice to the owner and Applicant, unless a request for an extension is made within this 30-day appeal period. A request for an extension will be subject to the special use modification provisions of this Article.

H. Should the Special Use not be in compliance at any time with any of the conditions specified by the Planning Commission and/or the building/use permit, then zoning enforcement action shall be taken to correct the violation(s). Unabated non-compliance may result in the matter being heard at a public hearing before the Planning Commission to either modify the special use or to revoke the special use approval.

1716.04 Appeal of Special Use Authorization Decisions

A. The decision of the Planning Commission is deemed to be final County action on the issue unless that decision is appealed within 15-calendar days following the date of decision. Any appeal shall be submitted for review by the Board of Supervisors at a public hearing to be scheduled within 60-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. 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 Applicant, if they differ, a notice of the designated date of the public hearing. The date of decision shall be not more than 90-days following the submittal of the notice of appeal. Notice of such public hearing shall be given by one publication in a newspaper of general circulation in the county seat and by posting the area included in the proposed special use(s) at least 15-days prior to this hearing. Notice shall also be sent by first class mail to each owner of real property, as shown on the most recent available records of the last property tax assessment, located within 300-feet of the proposed area of the proposed special use(s), if within Growth Categories A, B, or C, or within 1500-feet, if within a Category D area.

D. Following its deliberations on the date of decision, the Board of Supervisors shall either affirm, reverse or modify the decision of the Planning Commission. The factual and legal basis for the decision shall be specifically stated by the Board. The Clerk shall record the basis for decision and shall provide a copy to the appellant, special use Applicant, and to the Planning Commission.

E. If the special use 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-days of approval, the permit shall be deemed null and void.

F. 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 Statues.

1716.05 Modifications of a Special Use Approval

A. The property owner or Applicant to whom the Special Use approval was granted may request a modification of the approval in writing to the County Zoning Inspector along with the appropriate fee.

B. The County Zoning Inspector shall determine whether or not the requested change is a substantial modification or within the scope of the original notice and approval.

C. If the change is insubstantial and within the general purview of the original notice and approval, the County Zoning Inspector may grant the modification.

D. If the requested change is substantial and is not within the general purview of the original notice or approval, then the matter shall be decided at a public hearing before the Planning Commission and notice given in like manner as the original Special Use request.

1717 Procedures for Issuing Permits for an Accessory Living Quarter

An application shall comply with the following procedures to obtain permits for accessory living quarters:

1717.01 Applications

Applications for an accessory living quarter shall be made on forms supplied by the Community Development Department and shall include a concept or site plan showing all structures, including the proposed Accessory Living Quarter.

1717.02 Notification of Surrounding Property Owners

Prior to issuance of a permit for the accessory living quarter, property owners within 300-feet of the subject property shall be notified by first class mail and given 15-days from the date of mailing of notice to file a written protest with the County Zoning Inspector. Notification shall include the site plan and the procedure and requirements for submitting an appeal. The written protest shall include the name and address of the person submitting the protest and reasons why the application should not be approved. The protested application shall be presented to the Planning Commission for a decision in the same manner as is used for a Special Use Permit application and all further actions on this application shall proceed in the manner applicable to a Special Use permit application.

1717.03 Occupancy

The owner of the parcel shall live either in the primary dwelling or Accessory Living Quarters as their primary residence.

1717.04 Recordation of Notice

The Applicant shall sign and the County Zoning Inspector shall record a notice prior to the issuance of a permit for an accessory living quarters that specifically identifies the location of the property, indicates that the subject structure is an accessory living quarter, and stated that the property owner or tenant has agreed to comply with all County Zoning Regulations applicable to accessory living quarters.

1717.05 Size Modification

Applications for accessory living quarters that exceed the permitted square footage pursuant to Article 2 definition of Accessory Living Quarters may be submitted to the Planning Commission through the Special Use process. Any such proposed accessory living quarters must be subordinate in size to an existing principal dwelling.

1717.06 Rental

Standard long-term rental of Accessory Living Quarters may be submitted to the Planning Commission as a Special Use Permit application.

1717.07 Legal Non-Conforming Lots

ALQs are a permitted accessory use on substandard legal, non-conforming lots in Zoning Districts that permit accessory living quarters subject to the applicable process.

1717.08 Action by the County Zoning Inspector

A permit for an accessory living quarter may be issued by the County Zoning Inspector if no written protest is received or if the application has been approved by the Planning Commission and/or Board of Supervisors.

1718 Criteria for Issuing Permits for Residential Care Homes or Residential Care Institutions that Provide Care for Juveniles.

A residential care home or institution that is primarily intended to provide special care to juveniles who are or have been subject to juvenile court proceedings will be permitted under the following conditions:

A. The "Program Description" for the home, as approved by each State agency with jurisdiction over this home, and as agreed to by each entity that may contract with the operators for services at that site, shall prohibit the placement of juveniles who are designated as violent offenders or whose presence would be a risk to the safety of the neighboring public; and

B.
   1. Either the juvenile does not have any prior record of conviction as an adult for any crime or conviction as a juvenile for any violent crime, burglary, arson, abuse to animals, any sex crime involving moral turpitude, or the sale of drugs or other narcotic substances regulated by law in Arizona Revised Statues or

   2. The judge or Planning Commissioner of a court with jurisdiction over each juvenile at the home has made a finding of fact that the juvenile does not present an imminent danger to either himself or to others and that this residential setting is appropriate for that particular juvenile.

As a condition for any such use, the operator of the residential care home shall provide, upon request, confirmation to appropriate County officials that these conditions have been met.

1719 Criteria for Issuing Permits for a Bed and Breakfast Homestay and Inn

1719.01 Site Development Standards

With the exception of the off-street parking requirements for Bed & Breakfast Lodging listed in Article 18, this use shall be considered a single-household dwelling for the purposes of all Community Development Department ordinances and shall not be subject to non-residential site development standards.

1719.02 Exterior Residential Appearance

There shall be no alteration to the exterior residential appearance of the dwelling.

1719.03 New Residential Construction

A bed and breakfast dwelling may include new residential construction, constructed for this purpose, provided that the exterior appearance of the dwelling is residential in character.

1719.04 Public Participation Process for Issuing Permits for a Bed & Breakfast Inn

An application shall comply with the following procedures to obtain permits for a Bed & Breakfast Inn in all residential and Rural (RU) Zoning Districts:

A. Applications

Applications for a Bed & Breakfast Inn shall be made on forms supplied by the Community Development Department and shall include all information required for processing a building or use permit, accompanied by the appropriate fee.

B. Notification of Surrounding Property Owners

Prior to issuance of a permit for the Bed & Breakfast Inn, property owners within 300-feet of the subject property in Category A, B, or C Growth Areas, or 1,500-feet of the subject property in a Category D, Rural Area shall be notified by first class mail and given 15-days from the date of the mailing of notice to file written protest with the County Zoning Inspector. Notification shall include the site plan and the procedure and requirements for submitting an appeal. The written protest shall include the name and address of the person submitting the protest and the reasons why the application should not be approved. The protested application shall be presented to the Planning Commission for a decision in the same manner as is used for a Special Use Permit application, and all further actions on this application shall proceed in the manner applicable to a Special Use permit application.

C. Action by the County Zoning Inspector

A permit for a Bed & Breakfast Inn may be issued by the County Zoning Inspector if no written protest is received or if the application has been approved by the Planning Commission and/or Board of Supervisors.

1720 Temporary Uses

The following regulations shall govern the operation of certain transitory or seasonal uses:

1720.01 Permits

Application for a temporary use permit shall be made to the County Zoning Inspector at a minimum of 10-working days prior to the event; applications shall include the following:

A. A description of the property to be used, rented or leased for the temporary use, including all information necessary to accurately portray the property;

B. A site plan and description of the proposed use;

C. Sufficient information to determine setback requirements, sanitary facilities, and availability of parking space to service the proposed use; and

D. The applicable fee as specified in the fee schedule as adopted by the Board of Supervisors.

1720.02 Conditions for Issuance of Temporary Use Permits

Temporary use permits may be issued by the County Zoning Inspector for the uses specified in this section, provided that the location of: structures, buildings or equipment; vehicular ingress and egress and traffic circulation; parking areas; and on-site facilities are so located and arranged to avoid traffic congestion, to protect the safety and welfare of the public, and to avoid adverse affects on surrounding properties. The County shall take action as may be necessary and appropriate to abate any public nuisance that results from a failure to comply with the terms and conditions of a temporary use permit issued by the County.

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.
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 use permit or within 10-days after completion of the construction work, whichever occurs first.

B. Contractor's Construction Equipment Storage

Temporary uses, such as the cutting and storage of lumber or the storage of building materials and construction equipment in conjunction with construction work only during the period of such construction, subject to securing a building permit and the following:

1. Permitted in all Zoning Districts.
2. Any use permit approved for such temporary use shall be limited to a period of time of such approval; said permit may be renewed thereafter as approved by the County Zoning Inspector upon receipt of satisfactory evidence indicating that the need for such temporary use continues to exist.
3. Unless such use permit is renewed, such temporary use shall cease and desist upon the expiration of the previously approved building permit, or within 10-days after completion of the construction work, whichever occurs first.

C. Temporary Subdivision Sales Offices

1. Permitted in all Zoning Districts.
2. Such office shall be located on the property being subdivided for sale as individual lots and its use shall be limited to the sale of these lots.
3. Such office shall be subject to the site development standards for the district in which it is located.
4. Any use permit approved for such office shall be limited to a period of time not to exceed 2-years from the date of such approval; said permit may be renewed for periods of 1-year thereafter if less than 80-percent of lots in the property being subdivided have been sold.
5. Such office shall be removed from the property being subdivided upon the expiration of the previously approved use permit, unless such use permit is renewed, or when 80-percent of the lots in said property have been sold, whichever occurs first.

D. Carnival or Circus

1. Permitted in all Zoning Districts except: SR, SM, R, and MR, and RU in Neighborhood Conservation or Neighborhood Rehabilitation plan designations.
2. Maximum length of permit shall be 15-days.
3. No structure or equipment shall be located within 300-feet of an existing residence.

E. Christmas Tree Sales

1. Permitted in all Zoning Districts, except: SR, SM, R, MR, and RU districts in Neighborhood Conservation or Neighborhood Rehabilitation plan designations. Christmas tree sales are permitted in Planned Development Districts only in those areas designated on approved plans as neighborhood commercial centers.
2. Maximum length for display and open lot sales of Christmas trees shall be 45-days. Unsold trees shall be removed from the site at the end of the 45-day period.

F. Events of Public Interest

1. Permitted in all districts.
2. Including, but not limited to, outdoor art and crafts shows and exhibits; farmers markets; outdoor concerts; outdoor revivals; rallies; and outdoor charity events.
3. Maximum length of a temporary use permit on a specific parcel that is not occupied by a community park, community center, or school shall be seven-consecutive days, plus an additional four-days for set-up and dismantling, within any three-month period.
4. No structure, equipment, or display shall be located within 300-feet of an existing residence on an adjacent property, unless written permission is granted by the adjacent property owner.
5. Longer events of public interest up to six-consecutive weeks within a six-month period may be allowed, subject to approval by the Board of Supervisors. Upon receipt of a completed application, the County Zoning Inspector shall submit it to the Board of Supervisors for consideration and action. Prior to taking action on approving or denying the temporary use permit, the Board shall:
   a. Hold one public hearing thereon after at least 15-days notice by one publication in a newspaper of general circulation in the County seat and by posting the area included in the proposed temporary use(s).
   b. Send notice by first class mail to each owner of real property, as shown on the most recent available records of the last property tax assessment, located within 300-feet of the proposed area of the proposed temporary use(s), if within Growth Categories A, B, or C, or within 1500-feet, if within a Category D area, and to each county and municipality which is contiguous to the area of the proposed temporary use(s).

G. Outdoor Retail Sales of Products

1. Permitted only in: GB, LI, and HI Zoning Districts; R-36, R-18, and RU districts not located in Neighborhood Conservation or Neighborhood Rehabilitation Plan designations.
2. Maximum length of permit shall be 7-consecutive days in any 3-month period and merchandise and display areas must be removed after this time period.

1720.04 Uses Requiring No Permit

The following temporary uses shall be permitted in any Zoning District and require no temporary use permit.

A. Yard sales.

B. Sidewalk or parking lot sale by merchants.

C. Horse show or exhibit for special events or at commercial stables.

D. Sale of farm produce on premises.

E. Bake sales, rummage sales, car washes, and similar activities for religious, educational, or other charitable purposes.

F. Temporary filming on location for television, videos, or motion pictures.

G. Mobile carts or vehicles accessory to an existing permitted non-residential use in a non-residential Zoning District or at a permitted non-residential or approved subdivision construction site for the duration of construction, provided existing parking, loading zones, or driveways are not obstructed. Please note: Health Department requirements must still be met.

H. Customarily accessory indoor/outdoor events in permitted non-residential facilities with no significant off-site impacts.

ARTICLE 18

SITE DEVELOPMENT STANDARDS

1801 Purpose

It is the intent of this article to set forth specific criteria, known as site development standards, with which all uses in all Zoning Districts must comply unless otherwise exempted in these Zoning Regulations. These standards are designed to protect surrounding properties from adverse impacts of a proposed use.

1802 Identification of Site Development Standards

Site development standards applicable to each use in a Zoning District are found in the appropriate Article in these Zoning Regulations for that Zoning District, and in this Article. They shall include, but are not limited to:

1802.01 Minimum Site Area and Maximum Density, see applicable Zoning District.

1802.02 Maximum Height, see applicable Zoning District.

1802.03 Setbacks, see applicable Zoning District. Setback Area and Easements, see Section 1803.

1802.04 Maximum Site Coverage, see applicable Zoning District.

1802.05 Distance Between Buildings, see applicable Zoning District.

1802.06 Screening, see applicable Zoning District and Section 1805.

1802.07 Off-Street Parking and Loading, see Section 1804.

1802.08 Landscaping, see Section 1806.

1802.09 Street Improvements, Access and Traffic Circulation, see Section 1807.

1802.10 Sewage Disposal and Water Requirements, see Section 1808.

1802.11 Floodplain and Drainage Requirements per Department of Highway and Floodplain, see Section 1809.

1802.12 Reserved for future use.

1802.13 Outdoor Storage, see Section 1811.

1802.14 Mobile Home, Manufactured Home and Recreational Vehicle Parks, see Section 1812.

1802.15 Communications Facilities, see Section 1813.

1802.16 Reserved for future use.

1802.17 Keeping of Livestock, see Section 1815.

1802.18 Swimming Pools, see Section 1816.

1802.19 Golf Courses, see Section 1817.

1802.20 Land Clearing, see Section 1818.

1802.21 Water Conservation Measures, see Section 1819.

1802.22 Human Remains Protection, see Section 1820.

1802.23 Wind Energy Systems, see Section 1821.

1802.24 Wind Energy Power Plants, see Section 1822.

1802.25 Solar Energy Systems, see Section 1823.

1802.26 Solar Energy Power Plants, see Section 1824.

1802.27 Medical Marijuana Uses, see Section 1825.

1803 Standards Applicable to Setbacks, see Article 2 for definitions.

1803.01 Setback Area

The setback area may contain parking areas or loading spaces subject to the requirements of Section 1804.06. The setback area may also contain landscaping, walkways, courtyards, driveway entrances (except as noted in Section 1804.06.F.2), open space, leisure activity areas, walls, fences, flagpoles, and screening. In residential areas the setback may also include swimming pools (see Section 1816), gardens, playground equipment, clotheslines, and storage incidental to the principal dwelling.

1803.02 Projections into Required Setback Area

Projections of structures into a required setback area shall not be allowed, except that on residentially developed sites:

A. Cornices, eaves, and awnings may project not more than three-feet over any required setback area, provided they are not closer than two-feet to any property line.

B. Window-type refrigeration units, suspended evaporative coolers and furnaces, attached solar and similar equipment used for the dwelling may project not more than five-feet into the required setback area, provided they are not closer than two-feet to the property line.

1803.03 Rules Pertaining to Setback Areas

A. No space needed to provide a setback area may be sold, leased, bequeathed, or otherwise transferred apart from the site if the transfer would result in the site failing to comply with all applicable requirements of these Zoning Regulations, except that this section shall not apply to prohibit governmental acquisitions of property or the use of remaining property after such acquisitions.

B. Adjustments – Lot Line and Common Wall Subdivisions

   Setback areas between lots or parcels in a platted subdivision may be reduced or eliminated, thereby permitting lot line and common wall subdivisions, so long as appropriate setback areas are maintained at the perimeter of the subdivision.

C. Other Adjustments – Sharing Setback Areas

An owner of a site may enter into agreements with abutting landowners recorded on both properties in the office of the County Recorder to provide some or all of the required setback area for both land uses, so long as the total setback equals the total requirement for both uses. The setback sharing agreement shall apply to the entire length of the affected property line and shall be binding on any future successors or assigns of the affected subject properties.

1803.04 Rules Pertaining to Easements

No structures shall be permitted within public easements.

1804 Off-Street Parking and Loading

1804.01 Purpose

To alleviate traffic congestion and to provide for the parking of motor vehicles in all Zoning Districts, off-street parking and loading facilities shall be provided for buildings and uses erected or established after the date of these Zoning Regulations, and for existing buildings and uses which are extended, enlarged, or changed thereafter.

1804.02 Basic Requirement for Off-Street Parking

A. Off-street parking shall be provided for any new building constructed or for any new use placed on a site. Parking must be established prior to operation and shall be maintained for the duration of the use.

B. Whenever the use or area of an existing building is changed, additional off-street parking for the increased area or the use shall be provided in conformance with the standards set forth in Section 1804.

C. The owner or occupant of an existing or proposed building or use subject to off-street parking requirements shall not discontinue or reduce any existing required parking area without first having established other parking space which meets all requirements of these Zoning Regulations.

D. The use of any off-street parking space as required under these Zoning Regulations, for the storage of merchandise, vehicles for sale or rent, or for repair of vehicles, shall be prohibited.

E. Parking areas used for activities operating during hours of darkness shall be lighted and all lighting must comply with this Article.

1804.03 Methods of Providing Required Off-Street Parking

Subject to location requirements under Section 1804.06, required off-street parking may be provided by any one or combination of the following methods:

A. By providing the required parking space on the same site as the building or use being served.

B. By the collective provision of required parking for two-or more buildings or uses, whereupon the total of such parking shall be not less than the sum of the requirements for the several buildings or uses computed separately; provided, however, that if two-or more of such buildings or uses have operating hours that do not overlap, the County Zoning Inspector may grant a reduction of individual and collective requirements based upon the special circumstances involved. A written contract for joint use of such facilities shall be executed between the parties concerned and a copy filed with the County Zoning Inspector.

C. By securing the consent to use off-street parking facilities under another's ownership, which is not otherwise used or required during the principal operating hours of the proposed building or use; provided, however, that consent shall be in written form and a copy filed with the County Zoning Inspector. In the case where off-street parking is proposed on an adjoining property, but in a different Zoning District, the County Zoning Inspector shall make a determination that the parking in the adjoining district would not create any additional adverse impacts within that district. In the event the off-site spaces are or become unavailable, owner shall provide additional parking to meet the requirement.

D. Where parking is provided on a different site than the building or use as indicated above, the off-site area used shall not be used in computing the actual site area of the use or in satisfying any other site development standards than provision of parking area.

1804.04 Computation of Off-Street Parking Area

A. The minimum parking area for a site is the total area containing the required number of spaces plus that area required under Section 1804.09 (Parking Area Design Standards) for maneuvering of vehicles.

B. Where more than one use or activity takes place on a site, each of which would generate a different parking need according to the schedule in Subsection 1804.05 and each of which has a separate or definable floor area or area of use, the minimum required off-street parking area shall be the sum of the individual requirements for the several uses computed separately. Where it is not feasible to separate the uses on the site, the required off-street parking area shall be determined by the County Zoning Inspector.

C. When computation of parking requirements results in a fractional requirement, any fraction of less than one-half shall be disregarded, and any fraction of one-half or more shall be counted as one-space.

D. In order to calculate parking requirements related to fixed seating, each seat shall be 18-inches wide.

E. Service bays are not considered a parking space.

1804.05 Schedule of Required Off-Street Parking

The minimum number of off-street parking spaces required for buildings, structures and uses shall be determined according to the following schedule. For a use not specifically listed, requirements shall be determined by the County Zoning Inspector.

USE	Minimum Off-Street Parking Spaces Required
RESIDENTIAL	
Single-Household Dwellings, including Mobile Homes, and Manufactured Homes	1-per dwelling unit
Multiple-Household Dwellings	2-per dwelling unit
Group Quarters	1-per five-beds
Recreational Vehicle Parks	1-per lot space
Accessory Recreational Facilities	1-per 3,000-square feet of residential site area
COMMERCIAL/OFFICE	

Motels, Hotels, Resorts, Guest Ranches, Group Camps, Bed and Breakfast Lodgings	1-per guest room or suite of rooms plus 1-per three-employees in the largest working shift
Restaurants, Bars, Taverns, Nightclubs, Winery Tasting Rooms	1-per 50-square feet of floor area, excluding areas designed for rest-rooms, storage, service or other non-public purposes
Automobile Service Stations	1-per service bay
Vehicle/Mobile or Manufactured Home Sales Lots	1-per 200-square feet of enclosed customer circulation area plus 1-per service stall
Furniture Stores, Commercial Plant Nurseries, and Swap Meets	1-per 1,000-square feet of gross sales area
Shopping Centers	5-spaces for each 1,000-square feet of gross leasable floor area
Grocery Stores, Other Retail Trade of Merchandise, including Convenience Stores	1-per 250-square feet of gross floor area in Category A and B Areas; 1-per 350-square feet in Category C and D Areas
Business Offices, Personal, Professional Services, Repair Services, Veterinary Clinics, Animal Hospitals	1-per 250-square feet of gross floor area in Category A and B Areas; 1-per 350-square feet in Category C and D Areas
Hospitals, Residential Care Institutions	1-per two-patient beds plus 1-per 2-employees on the largest working shift
Animal Husbandry Services	1-per 500-square feet of gross floor area
Day Care Facilities, Day Care Establishments, Residential Care Facilities	1-per 5-persons of licensed capacity plus 1- per employee on largest working shift
Mini-Warehouses	1-per 250-square feet of business office area in Category A and B Areas; 1-per 350-square feet in Category C and D Areas. To provide additional loading areas, the minimum width of access drives between buildings shall be 24-feet
Junkyards	1-per each 50,000-square feet of storage area plus 1-per employee on largest working shift
Impound Storage Yards	1-plus 1-per employee of largest working shift
Unmanned Facilities	12-foot wide unimproved driveway with one 9-foot by 19-foot unimproved parking space

EDUCATION/PUBLIC ASSEMBLY

Educational Services:

Grades K-8	1.5-per classroom

Grades 9-12	4.5-per classroom
College and Vocational Schools	12-per classroom
Other	1-per 500-square feet of gross floor area
Churches or Places of Religious Worship	1-per 4-seats of maximum capacity in the sanctuary area
Welfare and Charitable Services, Civic, Social, Fraternal and Business Associations	1-per 500-square feet of gross floor area
Cultural, Historic, Nature Exhibits, and Stockyard/Auction Sales	1-per 500-square feet of gross floor area and exterior exhibit area
Indoor and Outdoor Recreational Facilities	1-per 5-fixed seats or 1-per 5-persons at expected maximum capacity if seating is unfixed or a combination thereof
Shooting and Golf Driving Ranges	1-per station
Theaters	1-per 3-seats of spectator seating
Fairgrounds, Amusement Parks	1-per 1,000-square feet of site area
Bowling Alleys	4-per lane
Tennis, Racquetball, Handball Courts,	2-per court
Health Clubs	1-per 250-square feet of gross floor area
Golf Courses	3-per golf hole plus 1-per employee
Jails, Prisons, Offender Rehabilitation Facilities	1-per each 25-inmates of design capacity plus 1-per employee in the largest working shift
Cemeteries	1-per employee and 10-additional spaces if no internal drives exist which can accommodate two passing vehicles
INDUSTRIAL/OTHER	
Manufacturing, Wholesaling, Warehousing, Distribution and Storage of Goods	1-per employee plus 1-per 1,000-square feet of gross floor area or 1-per 3-employees in the largest working shift, whichever is greater
Contract Construction Services	1-per 1,000-square feet of gross floor or display area plus 1-per facility vehicle
Bus, Motor Freight, Taxi, Rail Terminals and Airports	1-per 4-seats for waiting passengers plus 1-per 3-employees in the largest working shift

1804.06 Restrictions as to Location and Placement of Non-Residential Parking Areas on a Site

A. Parking Areas – Location

Required off-street parking areas shall be located on or off the site within 300-feet of the building or use it is intended to serve, the distance being measured from the nearest point of the building or use. For non-residential uses, some or all of the required parking area may be located more than 300-feet from the building or use if, in the opinion of the County Zoning Inspector, the developer has provided appropriate and adequate access for the disabled and a reasonably safe means of access from all designated parking areas.

B. Parking Areas – Separation From Abutting Residential Zoning Districts

Parking areas containing 10 or more parking spaces on a site directly adjacent to residentially-zoned sites shall be located no closer to the boundaries of such adjacent residentially-zoned site unless that site is currently developed with a non-residential use:

Number Spaces for Proposed Use	Separation
10-25 spaces	30-feet
26-75 spaces	40-feet
76 or more spaces	50-feet

Provided, however, that the above separation distances may be eliminated by construction of a six-foot high solid wall or fence at or near the boundary of the two sites.

C. Parking Area Within Site Boundary

Irrespective of the District in which it is located, every part of a parking area shall be set back from every site boundary a sufficient distance to ensure that no part of any parked vehicle will project over any site boundary.

D. Access to Parking From a Street

There shall be no direct access to any off-street parking space from a street.

E. Access to Parking from an Alley

Any parking area may use an abutting alley for direct access to parking spaces. Developer may be required to improve the alley to the standard approved by the County Engineer.

F. Driveway Design and Location

1. Driveways to a parking area from a street shall be limited to definable entry and exit driveways.

2. No driveway entrance or exit to a parking area shall be located closer than 15-feet to an adjacent residentially-zoned site.

3. The minimum width of a one-way driveway to a street shall be 12-feet. The minimum width of two-way driveways shall be 24-feet. For an unmanned facility where there will be no more than one vehicle servicing the equipment, a one-way driveway (12-feet width) is acceptable.

4. For driveway access to streets, see Section 1807.02.

1804.07 Parking and Loading Area Improvements

A. Single-Household Dwellings and Unmanned Utility Facilities

Single-household dwelling sites and unmanned utility facilities shall be exempt from parking area surface improvement requirements.

B. Category A (Urban Growth) Areas

Except as noted below, every parking and loading area and all driveways for sites within a Category A (Intensive Growth) Area shall be paved with asphaltic concrete or with an equivalent or better material approved by the County Zoning Inspector. These shall be properly drained to prevent impoundment of surface water and shall conform to the design standards of Section 1804.09 herein. A two-inch thick gravel surface, or equivalent or better surface if approved by the County Zoning Inspector, properly drained to prevent impoundment, shall be allowed if the site takes primary access off of a dirt or gravel road. If any of the roads accessed by the use are improved with a double bituminous surface treatment or better, any expansion of the use requiring a building permit or a change of use shall require that all existing and required additional parking and loading areas and driveways be improved per the standards in this section within six-months from the date of building permit issuance for the expansion.

C. Category B (Community Growth) Areas

Except as noted below, every parking and loading area and all driveways for sites within a Category B (Community Growth) Area shall be paved with double bituminous surface treatment (modified pavement), or with an equivalent or better treatment approved by the County Zoning Inspector. These shall be properly drained to prevent impoundment of surface water and shall conform to the design standards of Section 1804.09. A two-inch thick gravel surface, or equivalent or better surface approved by the County Zoning Inspector, properly drained to prevent impoundment, shall be allowed if the site takes primary access off of a dirt or gravel road. If any of the roads accessed by the use are improved with a double bituminous ("chip seal") surface treatment or better, any expansion of the use requiring a building permit or a change of use shall require that all existing and required additional parking and loading areas and driveways be improved per the standards in this section within six months from the date of building permit issuance for the expansion.

D. Category C (Rural Community Growth) and D (Rural) Areas

Except as noted below, every parking and loading area and all driveways for all sites in Category C (Rural Community Growth) Areas and Category D Areas, shall be improved with a two-inch thick gravel surface, or with an equivalent or better surface approved by the County Zoning Inspector, and shall be properly drained to prevent impoundment of surface water. Parking areas with gravel surface need not be striped. If the lot is paved, it shall conform to the design standards of Section 1804.09.

1804.08 Outdoor Storage and Display Area Improvements of Vehicles, Materials, or Equipment

Areas of a site reserved or used for the outdoor storage and/or display of vehicles, materials or equipment, shall be improved with at least a dust-free, gravel surface, or with an equivalent or better surface approved by the County Zoning Inspector. Permits are not required for structures in a permitted display area unless they are to be occupied. Permits are required for signs.

1804.09 Parking Area Design Standards

Except as otherwise specified herein, every required off-street parking space shall have a minimum width of nine-feet and a minimum length of 19-feet, exclusive of driveways and aisles. The parking space length may include allowance for vehicle overhang of a curb or planter area up to a maximum of three-feet provided that the vehicle may not encroach upon a street, sidewalk or another parking space, driveway, or parcel. The County Zoning Inspector may deviate from these measurements if there are unusual circumstances to warrant the deviation.

A. Parallel parking spaces shall have a minimum width of nine-feet and a minimum length of 22-feet.

B. Angle parking shall be designed as illustrated in Figure 18-1.

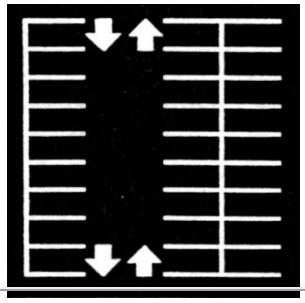
C. Row Ends: Dead space at the end of each row shall be clearly separated from any driveway or aisle and either landscaped or striped to prevent encroachment from vehicular traffic.

D. First parking space for angle parking: 10-feet minimum distance from property line to the beginning of the stall.

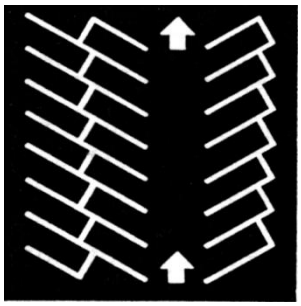
E. Striping: Minimum requirement for marking parking spaces shall be single-line striping four-inches in width.

F. Parking for the disabled to include an accessible route to the main entrance of the building that is the subject of these parking requirements shall be provided in accordance with applicable State and Federal laws.

90° Parking Space Angle - 9’ x 19’ Parking Space - Aisle Width 24’



60° Parking Space Angle - 9’ x 19’ parking Space - Aisle Width 18’



30° Parking Space Angle - 9’ x 19’ parking Space - Aisle Width 12’

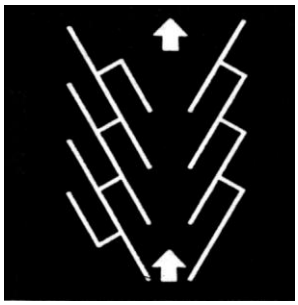


FIGURE 18-1

1804.10 Off-Street Loading Requirements

A. Necessity

In all Zoning Districts, for every use, building, or part thereof, erected or enlarged after the effective date of these Zoning Regulations, which is occupied or to be occupied by a use requiring receipt or distribution of materials or merchandise by motor truck, there shall be provided and maintained on the same site as the building or use, adequate off-street loading space meeting the minimum requirements hereinafter specified or at the discretion of the County Zoning Inspector. Loading shall be in addition to the requirements for minimum parking area.

B. Provision of Loading Spaces:

Total Floor Area of Building (Square Feet)	Number of Loading Spaces Required
1,000 to 9,999-square feet	1
10,000 to 29,999-square feet	2
30,000 to 49,000-square feet	3
50,000 or more-square feet	4

C. Measurement of Loading Space

Every required off-street loading space shall have a minimum width of 12-feet and a minimum length of 45-feet, exclusive of access aisles and maneuvering space, and a minimum clear height of 14-feet.

D. Location of Loading Space

The required off-street loading space(s) will be an integral part of the internal traffic circulation pattern of the site; it may occupy any part of the site, and may be partially or entirely enclosed within a building.

E. Use of Alley for Maneuvering Space

Where a building or use in a non-residential district requiring off-street loading space abuts an alley, such alley may be used for maneuvering space for loading and unloading spaces. The developer may be required to improve the alley to the standards identified in 1804.07.

1805 Screening

1805.01 Purpose

Screening shall be used to reduce the negative impacts of one use upon another, particularly non-residential uses on residential ones; to preserve property values; to screen adverse views of buildings, parking and storage areas; to protect the scenic value of the community; and to allow a greater mixture of uses, which may otherwise be incompatible.

1805.02 Screening Material

Screening includes solid walls and fences, or any combination thereof that cannot be seen through, and are a minimum of six-feet in height from grade. The screen shall be constructed out of standard materials or other acceptable materials approved by the County Zoning Inspector. An existing vegetative screen on the subject site may be approved by the County Zoning Inspector if it meets the intent of creating a solid screen.

1805.03 Screening Placement

Screening, where required by these regulations, will be placed and maintained, subject to the requirements set forth below.

A. Sight Distance at Intersections

No screening shall present traffic visibility hazards within the sight triangle as described in 1807.06 of these Zoning Regulations.

B. Maintenance of Screening

All required screening shall be maintained by the owner for the duration of the use or until such time as the abutting site protected by the screening is developed in such a manner that screening is no longer required between the abutting sites.

C. Refuse Collection Areas

All refuse collection areas related to non-residential uses shall be screened from view from all public streets and surrounding properties except for one approved access opening.

D. Screening in Floodplain Areas

If a Floodplain Use Permit is required, the screening material could begin six-inches above the grade.

E. Deferred Screening

In areas where screening is required by these Zoning Regulations, but has been deferred by the County Zoning Inspector due to an abutting residentially-zoned site being undeveloped, the screening shall be installed within six-months of such development on the adjacent parcel.

1806 Landscaping

1806.01 Purpose

It is the purpose of this section to establish minimum standards for the provision, installation, and maintenance of landscaping on the undeveloped portion of parcels or within the interior of large parking areas. Landscaping enhances the visual and environmental character of the County and further promotes the control of erosion, reduction of glare and dust, moderation of climate and noise, detention of storm water, the visual softening of building masses, as well as enhancing property values.

1806.02 Placement of Landscaping

A. Exemptions:

The following shall be exempt from the installation and maintenance of landscaping:

1. Single-household dwelling sites in all Growth Category Areas
2. Uses within the Category C and D Areas

B. Category A and B Growth Areas

All uses in Category A (Urban Growth) and Category B (Community Growth) Areas shall have landscaped a minimum of five-percent of the total developed area of a site. The landscaping shall be integrated into the developed area and shall include a minimum five-foot wide strip along the abutting street(s). Landscaping shall be approved as part of building permit approval.

C. Sight Distance at Intersections

No landscaping shall present traffic visibility hazards within the sight triangle as described in Section 1807.06.

1806.03 Landscaping, Planting and Maintenance Requirements

When landscaping is used, the following specific planting and maintenance requirements shall apply:

A. No trees shall be planted under overhead utility wires if their mature height will interfere with those wires.

B. Earth berms shall have adequate plant material or ground cover treatment to prevent erosion.

C. Trees shall not be less than five-gallons in size or comparable height if bare root at planting time.

D. Shrubbery used for required landscaping shall be a minimum of one-gallon in size.

E. Landscaping construction must be completed with all other permitted building construction unless extended by the County Zoning Inspector.

F. Retention of native vegetation in a natural drainage channel shall satisfy the landscaping requirement for such area.

G. All landscaping shall be maintained for the duration of the use or uses on the site.

H. All plants used in landscaping shall be chosen from the County's approved list of drought-tolerant plant species, or similar plants that have been specifically approved by the County Zoning Inspector.

I. All landscaping shall comply with applicable provisions of Section 1819.

1807 Street Improvements, Access Standards and Traffic Circulation

1807.01 Purpose

It is the purpose of this section to coordinate development of land uses in accordance with policy guidelines adopted under the Comprehensive Plan. Standards are designed to reduce safety hazards, to lessen traffic congestion, to limit total usage to the traffic carrying capacities of arterial and collector streets, to provide a suitable location for land uses, to provide for adequate and safe access to uses, and to minimize other negative impacts of development.

1807.02 Location and Nature of Access Points to Streets

The following specific access requirements shall apply to development of sites under these Zoning Regulations:

A. Permanent Legal Access

No building permit for a non-residential use shall be issued unless a site has direct permanent access to a publicly maintained street or to a street where a private maintenance agreement is in place.

B. Access to Arterial Streets

Within a Category A or B Growth Area:

1. No use shall take direct permanent access onto an arterial street at any point within 200-feet of a street intersection.

2. No use shall take direct permanent access onto an arterial street unless in conformance with the Cochise County Road Construction Standards.

3. Development of a site should not result in the placement of excessive drives or streets on that site with direct access onto an arterial street. Accordingly:

   a. If the site has more than 500-feet of frontage along an arterial street, it shall be entitled to one access point, unless additional access points are approved by the County Engineer.

   b. If the site contains less than 500-feet of frontage, the property owner or his agent shall be required to enter into a sharing agreement of record with surrounding property owners unless the County Engineer approves the location or an alternative.

1807.03 MT, Major Thoroughfare Overlay District

A. Purpose

MT (Major Thoroughfare) Overlay Zoning Districts are established to achieve the following purposes:

1. To preserve the traffic flow and reduce the vehicle conflict points on designated arterial streets which are necessary to move high volumes of traffic.
2. To minimize disruption of traffic flow and the creation of additional turning movements onto and off of a designated MT.
3. To reduce the number and location of direct access points and streets connecting onto a designated MT.

B. Identification

The area zoned as a MT Overlay Zone will be identified by its underlying zone designation plus the suffix "MT."

C. Permissible Uses

This zone, when overlaid upon any Zoning District, shall allow those uses permitted in the underlying Zoning District, but shall subject those uses to the additional requirements of this Section.

D. Procedure and Scope

1. Any street or portion thereof, which is determined by the Board of Supervisors as being necessary to handle high volumes of traffic or to move through traffic, may be designated as a MT.

2. A Major Thoroughfare overlay Zoning District (MT) shall be formed in the same manner as any other Zoning District. All parcels of land abutting or having direct access to the street or portion thereof designated as a MT shall be part of the MT overlay Zoning District and subject to the requirements herein.

E. Development Standards in an MT District

1. All new development or redevelopment of lots abutting a MT but having permanent legal access onto another street, public alley or private driveway easement shall take access via the alternate access; and a one-foot no-access easement shall be recorded or shown on the site plan along the property boundary with the MT as a part of permit approval in order to preclude future access.

2. All new residential subdivisions with individual parcels in an MT overlay zone shall be designed and constructed so that said MT lots take access off of a street other than the MT. Streets connecting such subdivisions to the MT shall be designed to accommodate traffic and to minimize disruption of traffic on the MT.

3. All such MT subdivision lots abutting the MT shall be screened with a six-foot high screen wall or fence or such equivalent screening approved by the County Zoning Inspector to reduce the noise, light and air pollution impacts of the MT.

4. No permit shall be issued for any non-residential use on a lot created after November 1, 1984 with less than 200-feet of frontage along the MT, if such lot must take direct access to the MT.

5. No use permit shall be issued unless provision is made for all parking to be on-site. Nothing herein shall preclude the consolidation or sharing of parking areas on adjoining sites.

1807.04 Street Improvements – MT and Other Areas

A. For all uses, other than the development of a single residential site, developers shall construct those off-site improvements related to traffic and safety needs resulting from development of the site. Said improvements may include, but are not limited to: dedication of streets and alleys, construction of streets or additions to streets, widening of streets, traffic control signals and other devices, turn lanes and turn bays, drainage improvements, pavement, or dust abatement. The type and extent of improvements shall be based upon:

1. The amount and type of additional traffic that will be generated by development of the site;

2. Any adverse effect upon traffic flow along the street abutting the site resulting from traffic entering and leaving the site;

3. The ease and safety of vehicles entering and leaving the site;

4. Conformity to applicable provisions of the Comprehensive Plan, Area Plan, traffic circulation plan and/or any approved master development plan;

5. Existing and anticipated traffic patterns along the street(s); and

6. The Plan Area and Zoning District in which the site is located.

B. The levels of improvement and design requirements of the *Cochise County Road Construction Standards for Public Improvements* shall be used as a guide in determining the minimum extent of improvements under paragraph A above.

C. If the proposed use is of such magnitude as to significantly reduce the level of service on a street or streets, or if it is likely to cause a substantial increase in traffic or congestion, the County Engineer may require a traffic impact analysis from the developer before a building permit is issued. The traffic impact analysis shall be prepared by a Registered Engineer, and shall describe the site, and all surrounding streets, intersections and access points; existing traffic conditions showing daily or peak hour volumes; and the transportation impact of the development, including its effect on service levels for all streets impacted by the proposed project. Developers shall then be required to construct improvements as may be necessary to address all of the issues identified in the study.

D. If both the County Engineer and the County Zoning Inspector are in agreement that the construction of some or all of these improvements may be delayed without giving rise to an unreasonable risk to health and safety and without adversely impacting traffic flow in the area during a foreseeable time period, the County Zoning Inspector is authorized to enter into an agreement with the developer, at the developer's request, which may phase the completion of these improvements over an extended period of time, not to exceed 10-years.

E. If the proposed development is of such magnitude as to significantly affect drainage flow conditions on abutting streets, the County Engineer shall require submittal of a drainage study specifically addressing the effect of site drainage on street(s) both before and after development. The developer will be required to construct such improvements as may be necessary to mitigate any adverse drainage impacts.

1807.05 Internal Circulation

The location of all buildings, structures, landscaping, access points to and from the site, and internal traffic circulation shall be arranged so that traffic congestion is avoided and vehicular and pedestrian safety is protected.

1807.06 Sight Triangles

A. Purpose

Adequate sight distance must be provided for vehicles entering and exiting a driveway to assure safe movements.

B. Preservation of Sight Triangles

No screening, landscaping, vegetation, structures, parking areas, or other obstruction to visibility between the heights of three-feet and eight-feet above the top of curb or centerline grade of street shall be permitted within the sight triangular areas. Development shall be set back or restricted in order to provide a minimum clear sight triangle. The sight triangle shall be determined for each controlled street or driveway that intersects a through or uncontrolled street. The determination of the sight triangle for each controlled street shall be made according to Figure 18-2 utilizing the minimum corner distances listed below:

MINIMUM CORNER SIGHT (X) DISTANCE BY POSTED SPEED OF THROUGH STREET	
Posted Through Speed	(X) Distance
25-MPH	250-Feet
35-MPH	350-Feet
45-MPH	450-Feet
55-MPH	550-Feet
65-MPH	650-Feet

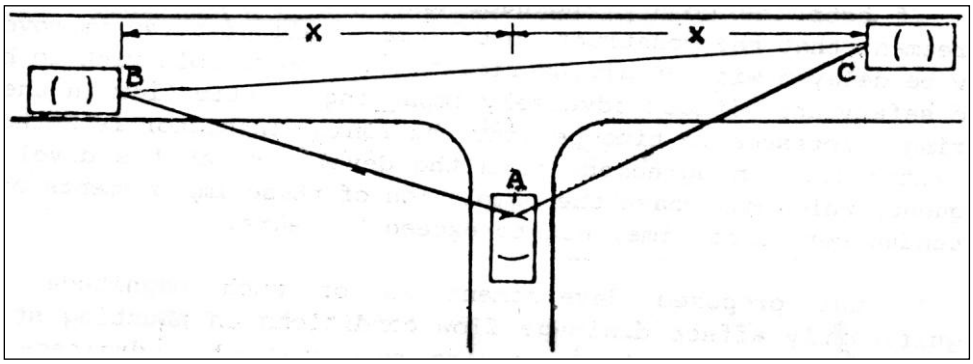


FIGURE 18-2

A: Eye level from a vehicle three-feet above the top of curb or street grade a distance of 20-feet back from the curb line, edge of pavement or travelway of the through street. For driveways, point A is 10-feet from the curb, edge of pavement or travelway of through street.

B & C: Points of the centerline of the through street.

X: The corner sight distance from the preceding table, measured from point A to point B (X) and also from point A to point C (X).

1808 Sewage Disposal and Water Requirements

All uses shall be in compliance with all statutes and regulations of the State, State agencies, the County, and County agencies, governing sewage disposal and water systems. A written assurance from the provider of sewer and water utilities is required for uses on community water and sewer systems.

1809 Floodplain and Drainage Requirements

All uses shall be in compliance with all Federal, State, and County floodplain requirements and regulations, including any floodplain regulations duly adopted by the Board of Supervisors and administered by the Cochise County Highway and Floodplain Department.

1810 Reserved for future use

1811 Outdoor Storage

1811.01 Residential Uses

It shall be the intent of this Section to provide acceptable limits of outdoor storage accessory to residential uses based upon the Comprehensive Plan Growth Category Area in which located. Nothing in this Section shall apply to the accessory storage of objects and materials within a completely enclosed building or structure, such as a garage or shed, or to the accessory residential storage of objects and materials which as a result of fencing, topography or natural vegetation are not visible by the unaided eye six-feet above ground level from any other property or street.

A. Accessory Use Outdoor Storage and parking which is permitted under this Section is an accessory use only and shall not be permitted unless a primary residential use of the property has been established.

B. Permitted Visible Outdoor Storage Visible outdoor storage of certain objects and materials shall only be permitted as an accessory use as specified below. Additional amounts of visible outdoor storage are permitted as specified below.

1. Automobiles

a. Category A Areas

Licensed and titled automobiles are allowed for personal use.

One unlicensed or inoperative automobile that is titled or registered to the owner or occupant is permitted. If more than one, they cannot be visible by the unaided eye six-feet above ground level from any adjoining property or street and must be located in the rear yard. Said automobiles cannot be stored for commercial purposes.

b. Category B, C and D Areas

Any number of automobiles titled or registered to the owners or occupants of the parcel may be stored provided they are not stored for commercial purposes.

c. Hazard/Nuisance

All automobiles and automobile parts and tires must be parked or stored in such a manner as to not constitute a hazard or nuisance. The non-accessory use of outdoor storage of any site on which the storage, keeping, salvage, sale or abandonment of junk occurs, including tires and auto parts, constitutes a public nuisance.

2. Construction Materials

In all areas, construction materials and equipment may be stored temporarily, provided that said materials/equipment are for on-site use pursuant to a current valid building permit. All building or construction materials and equipment shall be removed within 30-days of completion of construction, issuance of a certificate of occupancy (where applicable), or expiration of the building permit, whichever occurs first. Construction debris shall not be permitted to scatter or blow onto another property.

3. Furniture and Appliances

In all areas, furniture, appliances, playground equipment, and other incidental household items, may be placed outside (Note: Items in excess of these requirements shall be permitted only to the extent provided for in paragraph C below) provided that:

a. All appliances are in operating condition and are connected for private use of the resident/occupant in such a manner as to not constitute a fire or safety hazard.

b. Any furniture is placed outside for personal on-site use only (rather than for storage).

C. Other Permitted Outdoor Storage

Except for the visible outdoor storage permitted above, outdoor storage of objects and materials shall be permitted as follows:

1. Category A Growth Areas for Residentially-Developed Properties

Visible outdoor storage not to exceed 60-square feet in area and four-feet in height.

2. Category B, C and D Growth Areas For Residentially-Developed Properties

Visible or screened accessory outdoor storage shall be permitted.

D. Large Trucks, Truck Tractors, Construction Equipment

The outdoor storage or parking of any trucks, truck tractors, trailers or semi-trailers having a rated capacity of more than one and one-half tons and the parking or storage of any construction equipment (except as provided on a temporary basis in Section 1811.01.B.2, above) such as bulldozers, graders, cement trucks, compressors, dump trucks and back hoes shall not be permitted in any residential Zoning Districts in a Category A (Urban) Growth Area.

1811.02 Non-Residential Uses

For site development standards relating to outdoor storage for non-residential uses, see Section 1804.08 (Outdoor Storage Area Improvements) and applicable Zoning District Articles.

1812 Site Development Standards for Mobile Home, Manufactured Home and Recreational Vehicle Parks

The following site development standards shall apply to Mobile Home, Manufactured Home, and Recreational Vehicle Parks or any combination thereof (collectively referred to as "Parks").

1812.01 Maximum Density of Parks

The maximum density shall be the maximum density specified in the Zoning District in which the Park is located.

1812.02 Space Size, Width, and Setbacks:

Within Parks there shall be no minimum individual space size and no minimum individual space width. The minimum setback for all units and other structures from the space boundary shall be seven and one-half feet. The minimum setback from all streets and from the perimeter of the Park shall be 10-feet.

1812.03 Distance Between Structures

Except as otherwise provided in these Zoning Regulations, a minimum distance between principal structures shall be 15-feet. Nothing herein shall prevent permanent attachment of principal structures.

1812.04 Maximum Height

Principal structure: 30-feet above grade
Accessory structure: 20-feet above grade
Wall or fence: eight-feet above grade

1812.05 Site Coverage

Within a Park, the maximum site coverage shall be 55-percent for each residential space and for the entire Park, exclusive of rights-of-way and recreational areas. The maximum site coverage for recreational areas shall be 75-percent.

1812.06 Screening

A six-foot high solid wall, fence or existing vegetative equivalent, or any combination thereof, shall be provided along all Park boundaries, except at vehicle and pedestrian access locations. Such screening shall not encroach upon the sight triangles.

1812.07 Interior Streets

All two-way interior drives or streets within a Park shall be not less than 24-feet in width. One-way drives or streets shall be not less than 12-feet in width and shall be properly signed.

1812.08 Parking

Parking shall be provided in accordance with Section 1804.

1812.09 Access to Exterior Streets

No space within a Park shall have direct vehicular access to a street bordering the Park.

1812.10 Sidewalks and Pedestrian Paths

Sidewalks or pedestrian paths shall be placed on at least one side of all internal drives or streets for Parks within a Category B Growth Area and on both sides for Parks situated within a Category A Growth Area.

1812.11 Skirting in Parks

Skirting shall be required for each mobile/manufactured home in a Park.

1812.12 Landscaping

In all Parks, the entire Park shall be landscaped in accordance with Section 1806. The developer must provide a landscape plan as part of the permit application.

1812.13 Recreational Facilities in Parks

Not less than 10-percent of the gross area of any Park established under these Zoning Regulations shall be devoted to common recreational areas and facilities, such as playgrounds, swimming pools, community buildings, or common open space.

1812.14 Accessory Structures and Uses

Accessory structures and uses intended primarily to serve the needs of persons within the Park, including retail trade, recreational facilities, laundry areas, restaurants, other personal services, Park

offices, and maintenance and storage areas, shall be permitted, provided they are designed and located to protect the residential character of the district and surrounding residential districts. The sites upon which said retail uses and personal services are located shall not in the aggregate exceed five-percent of the gross area of the Park. All outdoor Park maintenance areas shall be enclosed by a six-foot high solid screen.

1813 Site Development Standards for Communications Facilities

1813.01 Co-location

New tower(s) will not be permitted in any Zoning District unless the Applicant demonstrates to the satisfaction of the County Zoning Inspector, Planning Commission and/or Board of Supervisors that an existing tower or alternative tower structure is not capable of accommodating the Applicant's proposed antenna. A list and analysis of alternative existing sites inventoried must be submitted. A communication tower in existence prior to the effective date of the 1999 revised Zoning Regulations will not require a special use or building permit, if located in an applicable Zoning District. The need for an additional tower may be demonstrated if one or more of the following criteria are established by the Applicant:

A. No existing towers or suitable alternative tower structures are located within the geographic antenna placement area required to meet the Applicant's engineering requirements.

B. Existing towers or structures are not of sufficient height to meet the Applicant's engineering requirements.

C. Existing towers or structures do not have sufficient structural strength to support the Applicant's antenna and related equipment.

D. The Applicant's proposed antenna(s) would cause electromagnetic interference with the antenna(s) on the existing towers or structures, or the antenna on the existing towers or structures would cause interference with the Applicant's proposed antenna.

E. The Applicant adequately demonstrates that there are other limiting factors that render existing towers and structures unsuitable.

1813.02 Design

A. All new communication facilities will be designed by a Registrant licensed by the State of Arizona.

B. For towers up to 150-feet in height, the structure shall be designed to accommodate at least two providers.

C. For towers greater than 150-feet in height, the structure shall be designed to accommodate at least three providers.

1813.03 Certification

A. Affidavits will be provided to show conformance with all Federal Aviation Administration (FAA) requirements with regard to lighting and marking so as not to create a hazard to air navigation.

B. Affidavits will be provided to show conformance with all FCC technical emissions standards and licensing requirements.

C. Prior to permit issuance for new communication equipment on an existing tower, a certificate, report or plan prepared and stamped by an Arizona-Registered Professional Engineer will be provided by the Applicant that indicates the equipment and tower will meet minimum safety standards with regard to deflection and survival specs at the proposed antenna load and with regard to potential electrical hazards.

1813.04 Setbacks

A. In all Zoning Districts except RU and R, new communication towers must be setback from all parcel boundaries and rights-of-way a distance equal to at least one-third of the height of the tallest structure in the facility, measuring from its base. No setbacks are required between communication facilities located on the same parcel.

B. In RU and R districts, communication facilities must be setback from all parcel boundaries and rights-of-way a distance equal to at least the height of the tallest structure in the facility, measuring from its base. No setbacks are required between communication facilities located on the same parcel.

1813.05 Minimum Site Area Requirements

Communication facilities will be exempt from the Zoning Districts' minimum site area requirements.

1813.06 Maximum Height

In those Zoning Districts where communication towers are a permitted use, the towers shall be limited to the maximum allowable height of the Zoning District unless otherwise noted in that District. There shall be no limit to the requested maximum height of a tower seeking approval through the Special Use process.

1813.07 Noise or Vibration

No noise or vibration (other than normal vehicular traffic) will be permitted which is discernible on neighboring residential sites to the unaided human senses three-minutes or more duration in any one-hour of the day between the hours of 7:00 a.m. and 7:00 p.m. or 30-seconds or more duration in any one hour between the hours of 7:00 p.m. and 7:00 a.m.

1813.08 Removal of Abandoned Communication Facilities

Any facility that is not operated for a continuous period exceeding twelve months will be considered abandoned, and the owner of such facility will remove the structure(s) within 90-days of receipt of notice from the County Zoning Inspector.

1814 Reserved for future use

1815 Keeping of Livestock

Livestock for private use may be kept in all Zoning Districts, provided that:

1815.01 The site contains not less than 36,000-square feet of area. The temporary care and feeding of two or fewer animals for 4-H or similar projects shall be exempt from this requirement.

1815.02 Animals shall be kept confined by fences or other restraints of sufficient strength and durability, or be otherwise under the control of the owner or keeper to prevent such animals from roaming at large, unless otherwise exempted by Article 20 of these Zoning Regulations or the Arizona Revised Statutes.

1815.03 Stables/barns (both enclosed and unenclosed), corrals, and piles of manure and areas where livestock may concentrate such as feeding and shade structures shall be set back from the property line a minimum of 50-feet. Perimeter fences are not considered corrals unless used to confine animals within 50-feet of the property line.

1815.04 Roping Arenas or other areas which are used occasionally, intermittently, or for specific purposes other than livestock living and congregating areas will be considered an accessory use and set back from the property line per Zoning District requirements. If the arena is used as a stable, corral, or livestock living area or becomes a place where piles of manure may accumulate, it shall be set back 50-feet from all property lines.

1815.05 Nothing contained herein shall relieve the owner or keeper of such animals from complying with all applicable rules and regulations of the County Health Department or others having jurisdiction.

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 Statues 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).

1817 Golf Courses

1817.01 Design

For all new golf courses and additions to existing golf courses, the area of irrigated grasses, the “turf area,” used for the greens, fairways, practice areas, borders and all other uses associated with the golf course, shall be limited. The total turf area of the golf course and associated uses shall be limited to an average of five-irrigated acres per golf hole. The maximum usage of water for irrigation purposes from sources other than groundwater (e.g., reclaimed wastewater, harvested rainwater, or an alternative water supply) will be considered as a positive factor towards compliance with water conservation requirements set forth within these Zoning Regulations. The Applicant must address the potential sources and impacts of the proposed use in a water availability report provided by the Applicant and approved by the County as part of the required Special Use application. Ponds, lakes, artificial watercourses and other types of water hazard areas shall be prohibited unless they are an integral component of the water reclamation or water harvesting being used for irrigation purposes. The golf course design shall reflect the natural topography and drainage ways of the site, and minimize the clearing of native vegetation.

1817.02 Golf Course Landscaping

All new golf courses and additions to existing golf courses shall use only plants included in the County's approved list of drought-tolerant plant species, or similar plants that have been specifically approved by the County Zoning Inspector for the non-turf areas. Rough and fairway areas shall make maximum use of existing landforms and indigenous grasses and vegetation. Landscaping plans, subject to County approval, shall include provisions to monitor and regulate irrigation of turf areas and other irrigated plants to prevent unnecessary water use.

Fairways are not required to be screened adjacent to residentially zoned and developed properties.

1818 Land Clearing

Any clearing of land for residential and non-residential purposes, unless otherwise exempted, shall be in compliance with the requirements of the Cochise County Land Clearing Ordinance (Ordinance 00-030).

1819 Water Conservation Measures

1819.01 County-Wide Water Conservation Measures

The following measures will be applied to residential and non-residential uses:

A. New pools will be required to have a cover. The permit application shall note the type of pool cover proposed, and the permit shall be conditioned to ensure that the pool shall be covered when not in use.

B. For all projects installing urinals, they shall be waterless. This regulation is applicable to new construction only. Single and multiple-household dwellings are exempt.

C. For all non-residential projects either requiring landscaping pursuant to Section 1806, or where landscaping is not required but is proposed, the landscaping shall be composed of drought-tolerant plants and materials and shall comply with the following:

1. Permit Applicants shall include a detailed landscaping plan showing the location, species, and container size of all plants on site, an irrigation plan, and planting method.

2. Only plants included in the County's approved list of drought-tolerant plant species, or similar plants that have been specifically approved by the County Zoning Inspector, shall be planted and maintained on any such site.

3. The County Zoning Inspector, in consultation with Water Wise and other similar programs, shall maintain a list of drought tolerant plants suitable for this area. Any plant species proposed in a landscaping plan, and not included in the County's list of approved drought tolerant species, shall be accompanied with documentation sufficient to demonstrate that it would be appropriate to add the species to the County's list of drought tolerant species.

4. Grass types listed in the plant list shall be used for the purposes of erosion control and seeding detention basins.

5. Substitution of plant species for those that have been approved in a landscaping plan is prohibited.

6. The use of turf in non-residential projects is allowed only for golf courses per the requirements of Section 1817 and multi-family developments. The use of turf in multi-family developments is restricted to common use areas. Larger play areas are encouraged to use a non-living material.

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 facilities and on replacement of existing equipment due to normal wear and tear or other loss.

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

   a. Multi-family complexes providing 80-percent or more low- to moderate-income housing units, as defined by the federal office of Housing and Urban Development (HUD), may provide alternative water-saving design methods in lieu of the use of independent-unit metering. The burden of proof is on the applicant to show that an equivalent, or greater, water savings will be achieved.

   b. Alternative water-saving methods to include, but not be limited to, the following, may be considered by the County Zoning Inspector and permitted in lieu of the use of independent-unit metering:

      (1) Short hot-water line run distances (core plumbing systems).

      (2) Ratio Utility Billing Systems (R.U.B.S. – as allowed under applicable state law).

9. Artificial Water Features: New artificial water features such as ponds, lakes, water courses, and other types of decorative water features are prohibited in any new commercial construction or in common user areas of multi-family housing unless their sole source is harvested rainwater. This provision does not pertain to required storm water detention/retention facilities, holding ponds used for treated effluent being used for permitted irrigation purposes, or permitted swimming pools and spas. Flowing water used in fountains, waterfalls, and similar features shall be recirculated.

12. Outdoor Sprinkler Systems: Any new installation or replacement of an automatic outdoor sprinkler system shall also include the installation of a rain or humidity sensor that will override the irrigation cycle of the sprinkler system when rainfall has occurred in an amount sufficient to negate the need for irrigation at the scheduled time. Where there are multiple areas with a sprinkler system watered from one controller, the sensor must be installed at the largest area.

13. Landscaping: Any new landscaping proposing irrigation installation or re-installation in a median or similar strip of permeable surface less than fifteen feet in any horizontal dimension, adjacent to a roadway, sidewalk, parking area or other paved or impermeable area, shall be irrigated by a subsurface (drip), non-sprinkling irrigation system.

1820 Human Remains Protection

This section is intended to allow the interment of human remains on private property and to protect human remains, in an undisturbed condition in perpetuity, which have been buried on private property. Although the provisions of this section presume protection of the human remains in an undisturbed condition, certain circumstances of a property may warrant alternative measures, including relocation of the remains, as a better method and means of preserving and honoring the human remains. The provisions of this section do not supersede Arizona cemetery or burial statutes that protect human remains and associated funerary objects on private lands. The provisions of this section do not supersede Federal laws that, from time to time, apply to human remains and cultural resources on private lands in Arizona.

1820.01 New Family Cemeteries

Applicants who wish to bury human remains on private property must satisfy the following requirements:

A. Family cemeteries are considered an accessory use allowed only in the RU, R, SM, SR, MR, and NB Zoning Districts;

B. The subject property must be at least one-acre in size;

C. Only family members of the property owner(s) may be buried on the property;

D. Each time a family member is interred, the following must be recorded at the County Recorder's Office:

1. A complete legal description of the property;
2. A map of the property with the exact location of the burial site, including distances to property lines, watercourses and wells; and
3. A copy of the death certificate and Disposition-Transit Permit per Arizona Revised Statutes.

E. The Applicant shall submit a zoning use permit application for informational purposes, no fee is required. This application shall include:

1. A dimensioned site plan of the property showing the location of the private burial site, any other burial site(s) on the property, and any water courses and wells;
2. The proposed burial site must be set back at least 50-feet from all property lines, drainageway, floodplain or watercourses on the property and at least 100-feet from all water wells on or off-site.
3. If any fencing material is proposed, it must be constructed of standard fence material as determined by the County Zoning Inspector; and
4. A copy of all documents recorded with the County Recorder's Office.

1820.02 Protection of Existing Human Burial Sites and Cemeteries

A. Applicability

The following measures shall apply to the following permit applications:

1. Land clearing permits;
2. Septic installation permits;
3. Residential permits; and
4. Non-residential permits.

B. Qualifying Properties

The following measures shall apply to properties or portions of properties that contain human remains, including public or private cemeteries or an individual burial site on private property. If the provisions of Section 1820.01 have been performed, provisions under this section are not necessary unless some disturbance to human remains is being proposed. Properties for which an inadvertent discovery of human remains has occurred are also subject to the provisions of this Section; in which case all construction-related work shall cease immediately at the discovery site and within a 100-feet radius of the discovery site until the extent of the remains have been identified by the Human Remains Assessment noted below and the provisions of this section have been met.

C. Requirements

For properties that contain known burial sites or cemeteries, the permit application cited in subsection A, above, shall not be deemed complete until the following materials are included with the application.

1. Site Survey/ Human Remains Assessment

If a cemetery or burial site is not already recorded with the County Recorder, property owners or Applicants for permits for qualifying properties shall submit to the Planning Department a Human Remains Assessment Survey conducted by an archaeologist with a

valid Arizona Antiquities Act Blanket Permit to survey the extent of the human remains on the property. The survey shall meet Arizona State Museum (ASM) Standards for Conducting and Reporting Cultural Resource Surveys and shall include:

a. A County Recorder's Office and land use/permit history records check;

b. A complete records check of files at the ASM and the State Historic Preservation Office (SHPO); and

c. A field survey of the site to map the location and extent of human remains on the property.

2. Preservation Plan

The property owner(s) or Applicant shall submit a Preservation Plan with the permit application. The Plan must be approved in writing by the ASM Repatriation Coordinator and shall contain the following elements:

a. A written statement that no physical disturbance (including artifact collection or excavation) of the human remains, associated funerary objects, surface memorials, marker, and/or associated landscaping will be allowed unless specifically indicated in an ASM-approved Mitigation Plan per subsection D below. The property owner shall record the location of all human remains on the property with the County Recorder, and the ASM.

b. The Applicant shall submit a development plan or site plan for the property which identifies the area that contains human remains plus an adequate "buffer zone" around the site(s), both of which shall be labeled on the site plan as an area to remain undisturbed. The buffer zone shall be a minimum 20-foot around the extent of the human remains.

c. If the Human Remains Assessment Survey indicates the presence or potential presence of human remains first buried fifty-years ago or longer, the Applicant shall enter into a Burial Agreement with ASM for the treatment of human remains; such agreement shall incorporate the ASM Best Management Practices for protecting in perpetuity (leaving undisturbed) the human remains. This agreement may also stipulate the measures to be taken by the property owner or Applicant to monitor the condition of the resource over time, including the setting aside of funds in trust to support monitoring and maintenance activities. This agreement shall be recorded on the property title.

d. The Applicant shall indicate whether or not the Site Plan includes any public access easement to the burial site or to an alternate memorial site on the property. Such an easement shall be recorded on the property title.

e. If the ASM is unable to approve or deny the Applicant's Preservation Plan or is unable to enter into a Burial Agreement with the Applicant within 90-days of their receipt of the proposed Preservation Plan, it shall be deemed by the County Zoning Inspector that the ASM is unable to respond to the Applicant in a timely fashion. In such a case, the County Zoning Inspector shall be authorized by this Section to represent the ASM in all actions described by this Section. The County Zoning Inspector may approve or disapprove of a Preservation Plan and may enter into a Burial Agreement with the property owner. If the County Zoning Inspector does not approve or disapprove in writing of a Preservation Plan within 120-days of submittal of the draft Plan to the ASM, the Plan shall be automatically deemed approved.

D. Exceptions

If an Applicant seeks to remove or build over the human remains on the property, the Applicant may apply for a Special Use Permit (SUP), per the procedures stipulated in Article 17 of these Zoning Regulations, to allow a Mitigation Plan, approved by ASM or the County Zoning Inspector, that includes the provisions of removal of the human remains or of the

"capping", or burial-in-place, of the remains and development adjacent to and/or above the site. The Applicant shall satisfactorily demonstrate to the Planning Commission that such treatment of the resource would provide a more suitable or effective method or means of preserving or honoring the remains.

1. Relocation. If the Applicant proposes relocation of the remains, the Mitigation Plan shall include a draft Burial Agreement, approved by ASM or the County Zoning Inspector, and meeting ASM standards and guidelines, and shall describe the proposed disposition of the remains including the transfer location, transfer method and process, schedule of transfer, proposed memorial activities and marker(s), maintenance procedures and financial assurances, and other activities and assurances required or recommended by ASM in the draft Burial Agreement.
2. If the remains were first buried less than 50-years from the date of the SUP application, the Applicant shall prepare a draft Burial Agreement with the County Attorney; this Agreement shall meet the ASM standards and guidelines for relocation of human remains 50-years or older.
3. The Burial Agreement should not be signed unless and until the Planning Commission approves the SUP and Mitigation Plan.
4. Burial-in-place. If the Applicant's Mitigation Plan includes burial-in-place, the Planning Commission may grant a Special Use Permit that would allow the Applicant to build over the human remains site, provided that the Applicant submits, at a minimum, the following:
   a. A draft Burial Agreement, approved by ASM or the County Zoning Inspector which shall include a maintenance agreement which would insure adequate protection of the resource in perpetuity. The Burial Agreement will be recorded with the property title;
   b. A site plan showing dimensional drawings of the burial site(s) and the vertical clearance, as deemed suitable by ASM, between the surface area of the remains and the development above it, and a suitable buffer zone adjacent to the development to allow adequate monitoring of the resource;
   c. Recordation on the property title of the location of the human remains, the buffer zone, and any public access easement leading to the burial site or an alternate memorial marker; and
   d. Plans showing a suitable memorial monument or other structure which would be accessible to the public and other interested parties.

E. Inadvertent Discovery of Human Remains During Construction

Whenever a property owner or his representative discovers skeletal human remains or suspected skeletal human remains and any associated funerary objects during land alteration or construction activity, the work shall cease immediately at the discovery site and within a 100-feet radius of the discovery site until the following steps have been completed:

1. The property owner shall notify the County Sheriff's Office and ask that a representative from that Office inspect the site and remove a sample of the remains to take to the County Medical Examiner's Office to determine whether the remains are human;
2. If the remains are deemed to be human and the site is not deemed a crime scene by the Sheriff's Office, the Applicant shall hire a qualified archaeologist to conduct the Human Remains Assessment Survey. If the remains are not deemed to be human by the County Medical Examiner or other qualified expert, normal construction activities shall proceed;

3. Prior to the completion of the survey and findings, the remains and area within 100-feet radius of the discovery site shall be secured from land alteration or poaching activities; and
4. Upon completion of the Survey, the procedures and provisions of Section 1820 shall apply.

1821 Wind Energy Systems

The following site development standards shall apply for the permitting, construction, operation, and decommissioning of Wind Energy Systems:

1821.01 Zoning Districts

Wind Energy Systems are permitted in any Zoning District, subject to applicable site development standards listed below.

1821.02 Density Limits

One Wind Turbine shall be permitted on any parcel, or on contiguous parcels under the same ownership, of up to four-acres in size.

Two Wind Turbines shall be permitted on parcels larger than four-acres.

Proposals for more than two Wind Turbines on parcels larger than four-acres shall be allowed by Special Use Permit only. Roof-mounted vertical-axis systems featuring more than one Wind Turbine mounted on the same pole (axis) shall be counted as one turbine.

1821.03 Height Limits

Wind Turbines up to 45-feet in height are allowed as accessory structures on any parcel, provided that all site development standards can be met.

Wind Turbines greater than 45-feet in height shall be allowed as follows: Prior to issuance of a permit for the system, the Applicant shall submit a permit application to County staff, along with the appropriate fees. The County will notify property owners of the Application. The notification will include a site plan reflecting the height and location of the turbine, and the procedure and requirements for submitting support or protest forms. The procedure for determining which property owners to notify shall be the same as in the Citizen Review process, per Article 22. The County shall provide a 15-day comment period for responses. If the County receives no objection from any notified property owner, the Application shall proceed in the manner applicable to a permitted accessory use application. Any written protest shall include the name and address of the person submitting the protest and reasons why the Application should not be approved. Any protested Application shall require Special Use Permit authorization by the Planning Commission. In such cases, the initial Application materials submitted by the Applicant, as well as any responses from neighbors, shall serve as the Citizen Review Report for the Special Use Application. If, in response to protesting neighbors, an Applicant decides to redesign the project, the Applicant shall submit a new Citizen Review report, and the Application shall proceed as a Special Use Application.

1821.04 Setbacks

Setbacks shall be equal to the height of the structure with turbine blades fully extended for free-standing Wind Turbines, plus 10-feet. Setbacks for roof-mounted Wind Turbines shall follow the Zoning District setback requirements or the fully-extended height of the turbine, whichever distance is greater. This site development standard (or "fall zone") is intended to promote safety and minimize

damage to property in the event that a turbine falls; it is not subject to Variances, Administrative or Planning Commission modification.

1821.05 Distance Between Structures

The distance between structures shall be equal to the fully-extended height of the structure, plus 10-feet, for freestanding Wind Turbines. The distance shall be equal to the Zoning District minimum structure separation distance for roof-mounted Wind Turbines or the fully-extended height of the turbine, whichever distance is greater.

1821.06 Construction

Building permits are required for all Wind Energy Systems.

1821.07 Noise Impacts

Noise generated by residential Wind Energy Systems system shall not exceed fifty-decibels (50 dBA), as measured from the nearest property line, except during short-term events including utility outages and severe wind storms.

1821.08 Lighting

Light fixtures or illumination of any kind shall not be allowed on Wind Energy Systems except as required by the Federal Aviation Administration.

1821.09 Signage

Signs of any type may not be attached to Wind Energy Systems. This does not include manufacturer's logos which may be part of the system when purchased.

1822 Wind Energy Power Plants

Wind Energy Power Plants are constructed for the primary purpose of providing electricity to off-site consumers and shall be allowed only in RU, GB, LI, or HI Zoning Districts, in Category D Growth Areas, by Special Use. This does not include residual power returning to the grid provided by small scale systems which primarily provide on-site power, subject to Arizona Corporation Commission regulations. Site-specific conditions and/or project scope may require that Applicants provide drainage and soil reports, environmental impact statements, visual impact analyses, and/or cultural resource assessments with their Application.

The following site development standards shall apply for the permitting, construction and operation of Wind Energy Power Plants:

1822.01 Height Limits

Wind Energy Power Plants are exempt from height limits, per Article 20 (Height Exceptions) of the Zoning Regulations.

1822.02 Setbacks

Setbacks shall be equal to the height of the structure with turbine blades fully extended for free-standing Wind Turbines, plus 10-feet. This site development standard (or "fall zone") is intended to promote safety and minimize damage to property in the event that a turbine falls; it is not subject to Variances, Administrative or Planning Commission modification.

1822.03 Distance Between Structures

The distance between structures shall be equal to the fully-extended height of the structure, plus 10-feet, for freestanding Wind Turbines.

1822.04 Construction

Building permits are required for all Wind Energy Power Plants.

1822.05 Lighting

Light fixtures or illumination of any kind shall not be allowed on Wind Energy Power Plants except as required by the Federal Aviation Administration.

1822.06 Signage

Signs of any type may not be attached to Wind Energy Power Plants, except manufacturer's logos which may be part of the system when purchased.

1823 Solar Energy Systems

The following site development standards shall apply for the permitting, construction and operation of Solar Energy Systems:

1823.01 Zoning Districts

Solar Energy Systems are permitted as Accessory Uses in all Zoning Districts.

1823.02 Parcel Size

Solar Energy Systems shall be permitted on all parcels regardless of size, provided that all applicable site development standards can be met.

1823.03 Height

Solar Energy Systems are exempt from height limits, per Article 20 (Height Exceptions) of the Zoning Regulations.

1823.04 Setbacks

Setbacks from all property boundaries and road travel ways for Solar Energy System arrays or pole-mounts shall comply with the minimum setback requirements for the respective Zoning District or shall equal the height of the tallest structure associated with the Solar Energy System, whichever is greater.

1823.05 Distance Between Structures

There shall be no minimum distance required between Solar Energy System components or design features and other structures on a property.

1823.06 Construction

Building permits are required for all Solar Energy Systems.

All Solar Energy Systems must comply with the prescriptive requirements of the National Electric Code (NEC). The Building Official may require additional engineering for rooftop photovoltaic (PV) panels.

1824 Solar Energy Power Plants

Solar Energy Power Plants are constructed primarily for the purpose of providing electricity to off-site consumers, and shall be allowed in the RU (in Category D Growth Areas), GB, LI and the HI Districts by Special Use Permit only and may be approved as part of a PD or Master Development Plan. This does not include residual power returning to the grid provided by small scale systems which primarily provide on-site power, subject to Arizona Corporation Commission regulations. Site-specific conditions and/or project scope may require that Applicants provide drainage and soil reports, water budgets and conservation measures, environmental assessments, visual impact analyses and/or cultural resources assessments with permit applications.

The following site development standards shall apply for the permitting, construction and operation of Solar Energy Power Plants:

1824.01 Parcel Size

Solar Energy Power Plants shall be permitted on all parcels in the allowed Zoning Districts regardless of size, provided that all applicable site development standards can be met.

1824.02 Height

Solar Energy Power Plants are exempt from height limits, per Article 20 (Height Exceptions) of the Zoning Regulations.

1824.03 Setbacks

Setbacks from all property boundaries and road travelways for Solar Energy Power Plants shall be, at minimum, twice the minimum setback allowed for permitted and accessory uses, per Special Use Permit requirements, or the height of the tallest structure, whichever is greater.

1824.04 Distance Between Structures

There shall be no minimum distance required between Solar Energy Power Plant components.

1824.05 Construction

Building permits are required for all Solar Energy Power Plants. All Solar Energy Power Plants must comply with the prescriptive requirements of the National Electric Code (NEC).

1825 Medical Marijuana Uses

The purpose of this Section is to establish site development standards for the permitting and operation of Medical Marijuana Cultivation Facilities, Medical Marijuana Dispensaries, Medical Marijuana Dispensary Cultivation Facilities, and Medical Marijuana Infusion Facilities.

1825.01 Zoning Districts

Medical Marijuana Dispensaries, Medical Marijuana Dispensary Cultivation Facilities, Medical Marijuana Infusion Facilities, and Medical Marijuana Cultivation Facilities are allowed by Special Use Permit in the Rural (RU-4, RU-10, RU-18, RU-36), General Business, Light, and Heavy Industry Zoning Districts.

1825.02 Setbacks

Minimum setbacks for dispensaries, infusion facilities, on-site dispensary cultivation and off-site dispensary-affiliated cultivation facilities shall be no closer than 500-feet, as measured from the property boundary, from:

A. Any other medical marijuana dispensary or infusion facility.

B. Any library.

C. Schools (private or public).

D. Day care centers (private or public).

Minimum setbacks for dispensaries, infusion facilities, onsite cultivation facilities, and offsite dispensary-affiliated cultivation facilities shall be no closer than 300-feet as measured from:

A. Any existing residential use located in a residential Zoning District or an approved subdivision. The distance would be measured in a straight and direct horizontal line between the closest exterior wall of the medical marijuana dispensary to the closest exterior wall of the nearest principal residential structure(s).

1825.03 Restrictions

The following restrictions shall be applied to Medical Marijuana Dispensaries and Medical Marijuana Infusion Facilities:

A. All Medical Marijuana Dispensaries and Medical Marijuana Infusion Facilities shall be located in a permanent building and may not be located in a trailer, cargo container, or motor vehicle.

B. No Medical Marijuana Dispensaries and Medical Marijuana Infusion Facilities shall provide drive-through services.

C. No Medical Marijuana Dispensaries and Medical Marijuana Infusion Facilities shall provide outdoor seating areas.

ARTICLE 19

SIGNS

Contents of Article 19

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1901 Purpose

1901.01 Signs are herein regulated in the interest of promoting traffic safety, safeguarding public health and comfort, facilitating police and fire protection, protecting scenic views and dark night skies, and preventing adverse impacts upon community appearance.

1901.02 These Zoning Regulations are designed to prevent the over-concentration, improper placement, and excessive height, bulk, and area of signs in order to: promote an optimum level of signage consistent with the needs and character of different areas; to permit legible and effective signage of individual sites for the convenience of the public and in the interest of the full enjoyment of property rights, and to prevent the obstruction by sign clutter of traffic visibility, traffic signs and signals, neighboring uses and signs, and scenic views.

1902 Administrative Procedures and Requirements

1902.01 Sign Permit Required

It shall be unlawful for any person, firm or corporation to erect, alter, or relocate within the unincorporated area of Cochise County any sign as defined herein without first obtaining a sign permit in compliance with Article 17 from the County Zoning Inspector, except that:

A. Minor repairs, maintenance, or painting of signs, or changes in copy which alter neither the structural characteristics nor the sign classification shall not require a permit.

B. Provided all other provisions of these Zoning Regulations are met, sign permits shall not be required for the following signs:

1. Name Plate Signs.
2. Home Occupation Signs.
3. Traffic Control Signs (Private).
4. Real Estate Signs.
5. Political Signs.
6. Window Graphics (Temporary).
7. Contractor's Signs.
8. Developer's Signs.
9. Subdivision Development Signs.
10. On-Site and Off-Site Special Event Signs (Temporary).
11. Non-illuminated wall signs to a maximum of 50-square feet.
12. "No Trespassing" Signs.

1902.02 Removal of Certain Signs

A. Any sign, including all supports, braces, guys, and anchors, existing on or after the effective date of these Zoning Regulations which no longer serves the purpose for which it was erected, shall be removed by the owner, agent, or person having the beneficial use of the property or building on which said sign is located, within 10-days after written notification from the County Zoning Inspector. Upon failure to comply with such notice within the time specified, the County Zoning Inspector is hereby authorized to cause removal of such sign at the expense of the owner of the building or property on which such sign is located.

B. Whenever any sign is deemed by the County Zoning Inspector to be a public safety hazard due to a failure in the supporting structure or a failure to properly secure such sign to the site and against movement, he shall provide written notification to the property owner that the sign is deemed to be in an unsafe condition, and must be removed, repaired, or secured in conformance with these Zoning Regulations within 48-hours following receipt of written notification. When such hazardous conditions present an immediate danger to adjoining properties or public rights-of-way, the County Zoning Inspector shall cause the immediate removal or securing of the sign at the expense of the owner of the building or property on which such sign is located.

C. The County Zoning Inspector is hereby authorized to cause the immediate removal of any temporary sign not in conformance with all provisions of these Zoning Regulations.

1902.03 Liability

The granting of a sign permit shall not be deemed to be a permit for or approval of any violation of these Zoning Regulations. The provisions of these Zoning Regulations shall not be construed as relieving or limiting in any way the responsibility or liability of any person, firm or corporation, his or its agents, employers or workmen, in the construction, maintenance, repair, or removal of any sign erected in accordance with a permit issued hereunder. Nor shall issuance of such permit impose upon Cochise County or its officers or employees, any responsibility or liability by reasons of the approval of any signs, material, or devices under the provisions of these Zoning Regulations.

1903 General Regulations

The following regulations regarding signs shall pertain to all Zoning Districts:

1903.01 No sign shall be supported, in whole or in part, from within any street, alley or other public rights-of-way; nor shall any part of any sign project over any part of a street, alley, or other public right-of-way.

1903.02 No sign over three-feet in height shall be erected within the sight triangles described in Article 18.

1903.03 No Ground Sign shall be located closer than 10-feet to a public right-of-way.

1903.04 Except as permitted for Digital Signs (see Section 1907.02), all illuminated signs shall conform with the provisions of Article 16, and shall be so placed as to prevent glare or reflection from being cast on any adjoining residential District, or any beam or ray of light from being directed at the sky and at any portion of a public street, alley, or other right-of-way.

1903.05 Illumination of signs shall not be flashing, intermittent, rotating, or animated, nor constitute a nuisance in any manner.

1903.06 No sign shall have moving or swinging parts, except that:

A. The rotation of barber poles, permissible changing signs and/or multi-prism signs is permitted, provided that rotations shall not exceed six-revolutions per minute; and

B. Banners, pennants, or devices set in motion by the wind may be permitted as temporary signs for grand openings, open houses, and model home demonstrations for a period not to exceed 30-days.

1903.07 No sign shall be erected or maintained at any location where, by reason of its position, shape, color, illumination or supporting structure, it may interfere with, obstruct the view of, or be confused with any authorized traffic sign, signal, or device, or with any device mounted on a police or fire protection vehicle; or which makes use of the words, "STOP," "LOOK," "DANGER," or any other word or phrase, symbol or character in such a manner as to interfere with, mislead, or confuse traffic.

1903.08 No sign shall be erected, relocated, or maintained so as to prevent free ingress to or egress from any door, window, or fire escape, nor shall any sign be attached to a standpipe or fire escape.

1903.09 No sign shall be located less than six-feet horizontally or 12-feet vertically from overhead electrical conductors which are energized in excess of 440-volts; "overhead conductors" shall refer to any electrical conductor, either bare or insulated, installed above the ground, except such conductors that are enclosed in rigid iron conduit or other material covering of at least equal strength.

1903.10 No sign, other than hazard warnings or identification placed by the utility itself, shall be attached to any utility pole.

1903.11 No sign shall be attached to any traffic control structure except as erected by the responsible governmental entity.

1903.12 The regulations of this Article shall not apply to memorial plaques and building cornerstones of metal, stone, or other incombustible material when built into or permanently affixed to the walls of a building or structure and made an integral part of that structure, provided that such plaques and cornerstones shall not exceed 12-square feet in area.

1903.13 Other sign regulations notwithstanding, the provisions of this Article shall not be construed to prohibit or restrict the erection and maintenance of traffic control, directional or informational signs by governmental and public utility officials.

1903.14 Other sign regulations notwithstanding, the provisions of this article shall not be construed to prohibit the erection and lighting of holiday displays, provided that such displays do not interfere with the safe operation of traffic control signals and signs.

1903.15 Permanent Ground Signs shall not be located nearer than 50-feet to other Permanent Ground Signs.

1903.16 No person shall park on any public right-of-way, public property, or on private property so as to be visible from a public right-of-way, any vehicle or trailer which has attached thereto or located thereon any sign or advertising device for the purpose of providing advertisement of products or directing the public to a business or activity. This shall not apply to signage painted directly upon or attached flat against a surface of any operational vehicle regularly used in the conduct of a permitted business or activity.

1903.17 No parcel shall be split so as to reduce street frontage below the minimum required to allow for the square footage and/or number of signs already existing on the site.

1903.18 The use of progressive signs on a site or sites shall not be permitted unless each sign meets all sign requirements set forth in this Article.

1903.19 No sign, other than the manufacturer's name and logo, shall be attached to any Wind Energy System or Anemometer as defined in Article 2.

1904 Sign Structure

The following structural types of signs, which are defined in Section 1908 herein, are permitted, subject to the requirements and restrictions of these Zoning Regulations:

1904.01 Wall Sign (including Fascia Signs)

1904.02 Projecting Sign

1904.03 Roof Sign

1904.04 Ground (or Free-Standing) Sign

1904.05 Window Graphic

1905 Measurement of Signs

1905.01 The area of signs composed of individual fabricated or painted letters, numbers, symbols, or pictures, mounted directly on a building facade without painted or other background shall be computed as: the area within a single continuous perimeter which encloses the entire area devoted to the sign message, including all letters, numerals, figures, emblems, pictures, outlines, and symbols.

1905.02 A spherical, double-faced, or multi-faced sign shall be counted as one sign, and its measured area shall be the maximum surface which is visible from any single viewing position on or above the ground.

1905.03 For all other types of signs, the area shall include the entire area within a single continuous perimeter enclosing the extreme limits of the sign; provided, however, that such perimeter shall not enclose any structural elements not forming an integral part of the display.

1906 Signs Permitted in All Zoning Districts

The following signs are permitted in all Zoning Districts, subject to the Definitions and Specifications contained in Section 1908 and the General Regulations contained in Section 1903 of these Zoning Regulations:

1906.01 Permanent Signs

A. One NAME PLATE or one HOME OCCUPATION SIGN per dwelling unit, no permit required.

B. SUBDIVISION OR MOBILE HOME PARK NAME SIGNS.

C. DIRECTIONAL SIGNS.

D. TRAFFIC CONTROL SIGNS (PRIVATE), no permit required.

E. MEMORIAL SIGNS.

F. BULLETIN BOARD SIGNS.

1906.02 Temporary Signs

A. CONTRACTOR'S SIGNS, no permit required.

B. DEVELOPER'S SIGNS, no permit required.

C. POLITICAL SIGNS, no permit required.

D. REAL ESTATE SIGNS, no permit required.

E. SUBDIVISION DEVELOPMENT SIGNS, no permit required.

1907 Additional Permitted Signs by Zoning District

No sign shall be erected or maintained in any Zoning District except as herein specified, or as listed in Section 1906.

1907.01 Permitted Signs, SR, SM, R, MR, and NB Zoning Districts

In addition to those signs listed in Section 1906, the following signs are permitted for non-residential uses and multiple-household dwellings in SR, SM, R, MR, and NB Zoning Districts:

A. ON-SITE PERMANENT SIGN, One per street frontage.

1. Permitted Structural Type: Wall or Ground Sign
2. Illumination: Permitted
3. Maximum Height and Area of Ground Signs:

Street Classification	Maximum Area	Maximum Height
Local	.25-square foot per lineal foot of street frontage where the sign faces to a maximum of 32-square feet	six-feet
Collector	.5-square foot per lineal foot of street frontage where the sign faces to a maximum of 32-square feet	eight-feet
Arterial	One-square foot per lineal foot of street frontage where the sign faces to a maximum of 64-square feet.	12-feet

4. Maximum Area, Wall Signs: Same as maximum area of Ground Signs above.

1907.02 Permitted Signs, RU, GB, LI, and HI Zoning Districts

In addition to those signs listed in Section 1906, the following signs are permitted in RU, GB, LI, and HI Zoning Districts, provided that the maximum aggregate area of all signs on a given site shall be two-square feet per lineal foot of total street frontage, and further provided that individual signs conform to the following standards:

A. ON-SITE PERMANENT SIGNS other than Digital Signs, and OFF-SITE PERMANENT SIGNS other than BILLBOARDS, as follows:

1. Permitted Structural Type:

   a. Ground or Projecting Signs: Each site is permitted at least one Ground or Projecting Sign per street frontage, but not more than one per 300-lineal feet of street frontage.

   b. Wall Signs

   c. Roof Signs: A Roof Sign may be used in place of, but not in addition to, a permitted Ground Sign.

2. Illumination: Permitted

3. Maximum Height and Area of Ground Signs:

Street Classification	Maximum Area	Maximum Height
Local	.25-square foot per lineal foot of street frontage where the sign faces to a maximum of 32-square feet	six-feet above grade
Collector	.5-square foot per lineal foot of street frontage where the sign faces to a maximum of 64-square feet	18-feet above grade
Arterial	One-square foot per lineal foot of street frontage where the sign faces to a maximum of 80-square feet	24-feet above grade

4. Maximum Area of Wall Signs, Projecting Signs, and Roof Signs: Same as maximum area of Ground Signs above.

B. DIGITAL SIGNS.

1. Permitted Structural Type: Ground Sign.

2. Illumination: Permitted, but only from sunrise to sunset, except for fuel price, motel price, time and temperature signs, and similar signs, which can be illuminated at any time, provided:

   a. The illumination emitted by the sign, together with any other unshielded lighting on the site, do not exceed the maximum allowed in Table 16.1 of Article 16 for unshielded lighting;

   b. The lighted text on the sign is red or green on a black background; and,

c. Complies with all provisions of these Zoning Regulations. Applicant must provide documentation showing maximum lumen capability for each segment of a digital sign to demonstrate ability to meet the total lumen cap per Table 16.1 of Article 16.

3. Maximum Height: five-feet above grade.

4. Setbacks: All light fixtures located within 25-feet of the property line adjacent to a residential use shall use fully shielded luminares.

5. Maximum Area:

Street Classification	Maximum Area
Local	.25-square foot per lineal foot of street frontage where the sign faces to a maximum of 32-square feet
Collector	.5-square foot per lineal foot of street frontage where the sign faces to a maximum of 64-square feet
Arterial	One-square foot per lineal foot of street frontage where the sign faces to a maximum of 80-square feet

6. Limits on Change in Copy: any message must remain in place for at least five-minutes before changing to another message.

7. Limits on Type of Use: Permitted only for on-site advertising, i.e., as a sign which directs attention to a business, profession, or activity conducted on the premises on which the sign is located.

C. DIRECTORY SIGNS, One per street frontage for sites having multiple uses, such as shopping centers, office complexes, and industrial parks, provided that no other Ground Sign occupies the premises, and subject to the following limitations:

1. Permitted Structural Type: Ground Sign

2. Illumination: Permitted

3. Maximum Height and Area of Ground Signs:

Street Classification	Maximum Area	Maximum Height
Local	.25-square foot per lineal foot of street frontage where the sign faces to a maximum of 32-square feet	six-feet above grade
Collector	.5-square foot per lineal foot of street frontage where the sign faces to a maximum of 64-square feet	18-feet above grade
Arterial	One-square foot per lineal foot of street frontage where the sign faces to a maximum of 80-square feet	24-feet above grade

D. BILLBOARDS; shall be permitted only if approved as a Special Use, in a RU, GB, LI, or HI Zoning District, subject to all regulations included in Section 1908.01, and provided that a maximum aggregate sign area of two-square feet per lineal foot of street frontage is not exceeded.

E. ON-SITE SPECIAL EVENT SIGNS; no permit required.

F. OFF-SITE SPECIAL EVENT SIGNS; no permit required.

1907.03 Permitted Signs, PD Zoning Districts

Signs shall be permitted in PD (Planned Development) Zoning Districts as follows:

A. Sign permit applications for PD Zoning Districts shall be submitted in accordance with the permit procedures listed in Section 1902.02 herein, and shall be reviewed by the County Zoning Inspector for compliance with the regulations applicable to similar uses in other Zoning Districts. Such permits shall be granted upon a finding by the County Zoning Inspector that the proposed sign(s) is substantially in conformance with those regulations, and with the approved plans for the District.

B. The developer of a Planned Development may request a waiver of any sign regulation applicable under Subsection A above by including a written request for such waiver as a part of the Planned Development preliminary plan submittal (see Article 15). The written request for waiver shall be accompanied by:

   1. All plans and information listed in compliance with Article 17.
   2. A list of the provisions from which a waiver is requested, and reasons supporting the request.

1908 Definitions and General Specifications

1908.01 Billboard Sign

A Billboard is a free-standing Off-Site Permanent Sign having an area of 300-square feet or more. A Billboard is considered a principal use. Billboards shall maintain the following setbacks and separation requirements:

Zoning Districts: RU, GB, LI, and HI by Special Use only
Structural Type: All

Maximum Area: 600-square feet

Maximum Height: 35-feet

Illumination: Permitted

Maximum aggregate sign area of two-square feet per lineal foot of street frontage.

Minimum Distance from other Billboards: 660-feet

Minimum Distance from other Ground Signs: 100-feet

Minimum Distance from any structure: 100-feet

Minimum Distance from any site boundary: 100-feet

Spacing distance shall be measured along the nearest edge of the right-of-way to a point directly opposite the sign.

1908.02 Bulletin Board

A sign announcing activities of a permitted educational, governmental, or religious institution or recreation area, which is constructed to permit changes of copy; not including flashing, intermittent, or moving electronic message boards.

Zoning Districts: All

Structural Type: Wall or Ground Sign

Maximum Area: 15-square feet

Maximum Height: Six-feet

Illumination: Permitted

1908.03 Contractor's Sign; no permit required

A temporary sign designating the names of persons or firms engaged in construction or repair on the premises. A Contractor's Sign shall be removed within 10-days after completion of work or upon expiration of building permit.

Zoning Districts: All

Structural Type: Wall or Ground Sign

Maximum Area*: SR, SM, R, MR, NB, and PD Zoning Districts: six-square feet
RU, GB, LI, and HI Zoning Districts: 15-square feet

Maximum Height: SR, SM, R, MR, NB, and PD Zoning Districts: four-feet
RU, GB, LI, and HI Zoning Districts: 12-feet

Illumination: None

* When a combined Contractor's/Real Estate Sign is used, maximum area shall be the sum of the maximum areas for the two types of signs, but shall in no case exceed 65-square feet.

1908.04 Developer's Sign; no permit required

A temporary sign designating the use which will occupy the premises at some future date. Permitted for non-residential uses and multiple-household dwellings only. Developer's Signs shall be removed within 10-days after opening of the use or upon expiration of the building permit.

Zoning Districts: All

Structural Type: Wall or Ground Sign

Maximum Area: SR, SM, R, MR, and NB Zoning Districts: 15- square feet
RU, GB, PD, LI, and HI Zoning Districts: 50-square feet on a parcel with existing structures; 100-square feet on an undeveloped parcel

Maximum Height: SR, SM, R, MR, and NB Zoning Districts: six-feet
RU, GB, PD, LI, and HI Zoning Districts: 12-feet

Illumination: None

***1908.05 Digital* Sign**

A type of unshielded electronic display that can show programming, menus, information, advertising, and other messages. Digital signs are lighted, typically flashing and utilize technologies such as Liquid Crystal Display (LCD), Light Emitting Diodes (LED), plasma displays, or projected images to display content, and cannot be shielded. In these Zoning Regulations, Digital Signs are a sub-category of On-Site Permanent Signs, but with special rules governing Digital Signs. (See Section 1907.02).

1908.06 Directional Sign

A sign directing or informing the public as to the location of: publicly-owned facilities; historic or scenic points of interest; education, charitable or religious institutions; hospitals or sanitariums; time and temperature and major business districts. Directional Signs shall be located on collector or arterial streets only.

Zoning Districts: All

Structural Type: Ground Sign

Maximum Area: Residential Zoning Districts: 15-square feet
All other Zoning Districts: 32-square feet

Maximum Height: Residential Zoning Districts: six-feet
All other Zoning Districts: 12-feet

Illumination: Permitted

Directional Signs shall not be located within 150-feet of any other permitted sign, and shall be located within one-half mile of the turn-off referenced.

1908.07 Directory Sign

Any Sign listing all occupants of a parcel having multiple uses.

One per street frontage for sites having multiple uses, such as shopping centers, office complexes, and industrial parks, provided that no other Ground Sign occupies the premises, and subject to the following limitations:

Zoning Districts: GB, LI, and HI

Structural Type: Ground Sign

Maximum Area: One-square foot per lineal-foot of street frontage

Maximum Height: 24-feet

Illumination: Permitted

1908.08 Double-Faced Sign

A sign having two-copy areas, only one of which can be seen, either in whole or in part, from any given point on the ground.

1908.09 Fascia

A horizontal band covering the joint between the top of a wall and the projecting eaves.

1908.10 Ground (Free-Standing) Sign

A sign supported by uprights, braces, or similar structure which is placed directly in or affixed to the ground and not attached to any building. No permanent Ground Sign shall be located nearer than 50-feet to any other permanent Ground Sign, other than a Private Traffic Control Sign, or 10-feet to any public right-of-way.

1908.11 Home Occupation Sign; no permit required

A sign identifying an approved Home Occupation on the premises.

Zoning Districts: All except LI and HI

Structural Type: Wall or Ground Sign

Maximum Area: Four-square feet

Maximum Height: Five-feet

Illumination: None

1908.12 Illumination

For the purpose of these Zoning Regulations, illumination means a shielded light source (except for Digital Signs, which are unshielded), either located within, mounted upon, or directed at a sign for the purpose of making it visible at night. All sign illumination shall comply with the terms of Article 16, and shall not include any exposed light source.

1908.13 Memorial Sign

A sign or monument which commemorates a person or event. Memorial Signs may be permitted in all Zoning Districts and are subject to the Zoning District's site development standards for structures. They are also subject to approval of design and location by the County Zoning Inspector.

1908.14 Multi-Prism Sign

A sign made with a series of triangular vertical sections that turn and stop, or index, to show three pictures or messages in the same area, only one message being visible at any moment. Rotation shall not exceed six-revolutions per minute.

1908.15 Name Plate Sign; no permit required

A sign identifying only the name and address of the occupant of the premises.

Zoning Districts: All

Structural Type: Wall or Ground Sign

Maximum Area: One-square foot

Maximum Height: Two and one-half-feet

Illumination: None

1908.16 Off-Site Permanent Sign

A sign which is not associated with the use of the property where the sign is located.

Zoning Districts: RU, GB, LI, and HI

Structural Type: See Section 1907.02

Maximum Area: See Section 1907.02

Maximum Height: See Section 1907.02

Illumination: Permitted

1908.17 Off-Site Special Event Sign; no permit required

A temporary sign announcing special events (e.g. rodeos, fairs, grand openings, etc.), to occur on a site other than that on which the sign is located. Such signs, except Window Graphics occupying not more than 25-percent of the window area, shall be included in calculating the maximum aggregate sign area for the site. Each such sign shall be maintained for no more than 30-days.

Zoning Districts: RU, GB, LI, and HI

Structural Type: Wall (including window graphics) or Ground Sign

Maximum Area: Within 100-feet of an existing structure or free-standing sign: 15-square feet

100-feet or more from any structure or free-standing sign: 32-square feet

Maximum Height: Eight-feet

Illumination: None

Maximum Number: 2-per Calendar Year

1908.18 On-Site Permanent Sign (other than a Digital Sign)

A sign which directs attention to a business, profession, or activity conducted on the premises on which the sign is located. An On-Site Permanent Sign may include a change panel. A change panel must be an integral part of the sign, must be secured to prevent movement. In no case shall this be construed to include the attachment or addition to an approved sign of any sign or graphic, temporary or permanent, not included in the original design and specifications approved as a condition of issuance of a sign permit. Note that Digital Signs are a sub-category of On-Site Permanent Signs, but with special rules governing Digital Signs. (See Section 1907.02 and the definition of Digital Sign).

Zoning Districts: RU, GB, LI, and HI

Structural Type: See Section 1907.02

Maximum Area: See Section 1907.02

Maximum Height: See Section 1907.02

Illumination: Permitted

1908.19 On-Site Special Event Sign; no permit required

A temporary sign announcing special events (e.g. rodeos, fairs, grand openings, etc.) to take place on the premises on which the sign is located. Such signs, except grand opening signs and Window Graphics occupying not more than 25-percent of the window area, must be included in calculating the maximum aggregate sign area for the site. Each such sign shall be maintained for no more than 30-days.
Zoning Districts: RU, GB, LI, and HI

Structural Type: Wall or Ground Sign

Maximum Area: 15-square feet, except that the Maximum area of Grand Opening Signs be two-square feet per lineal foot of building frontage.

Maximum Height: Eight-feet

Illumination: None

Maximum Number: One-Grand Opening Sign per Use Permit (There is no limit on the number of temporary special event signs, provided the maximum aggregate sign area for the site is not exceeded.)

1908.20 Political Sign; no permit required

A temporary sign supporting a candidacy or position in any primary, special, or general election, subject to the following restrictions: Political signs shall be removed within 30-days following the final election for that candidate or issue.

Zoning Districts: All

Structural Type: All

Maximum Area: None

Maximum Height: None

Illumination: None

1908.21 Projecting Sign

A sign that is attached to a building or structure and extends beyond the wall of the building or line of the structure more than 12-inches. No projecting sign may extend above the top edge of the wall from which it projects, or extend outward more than five-feet from the supporting wall. Every projecting sign shall have a minimum clearance of eight-feet above grade, and above any sidewalk, porch or step over which it projects. All projecting signs shall be installed or erected in such a manner that there shall be no visible angle iron sign support structures above a roof, building fascia, or wall.

1908.22 Real Estate Sign; no permit required

A temporary sign advertising the premises for lease, rent, or sale. Real Estate Signs shall be removed within 10-days following lease, rent, or sale of the premises.

Zoning Districts: All

Structural Type: Wall or Ground Sign

Maximum Area*: SR, SM, R, MR, and NB Zoning Districts: six-square feet
RU, PD, and GB Zoning Districts: 15-square feet
LI, and HI Zoning Districts: 50-square feet

Maximum Height: SR, SM, R, MR, and NB Zoning Districts: four-feet
RU, GB, LI, and HI Zoning Districts: 12-feet
Illumination: None

* When a combined real estate/contractor's sign is used, maximum area shall be the sum of the maximum areas for the two types of signs, but shall in no case exceed 65-square feet.

1908.23 Roof Sign

A sign which extends above and is supported by the roof of a building. Where permitted, roof signs shall be constructed and finished in such a manner that they appear to be a part of the building itself. There shall be no visible angle iron support structure, guy wires, braces, or secondary supports; no roof sign shall exceed Zoning District height limitations.

1908.24 Sign

Any device for visual communication that is used for the purpose of bringing the subject thereof to the attention of the public, including but not limited to the display of any letter, numeral (other than street addresses), figure, emblem, picture, outline, beacon, or spectacular, either in whole, in part, or in combination, whereby such display is made on, attached to, or is a part of a structure erected for the purpose, or is on, attached to, or a part of any other structure, surface or thing, including but not limited to the ground or any rock, tree or other natural object, which display is visible beyond the boundaries of the lot or parcel on, or over which it is located. Excluded from this definition is any flag, badge, or insignia of any government or governmental agency, any official traffic control device, and any notice posted according to law.

1908.25 Sign Face

The entire area of a sign on which copy could be placed.

1908.26 Single-Faced Sign

A sign having its entire copy area visible from one point. Where a sign face is made up of separate sign boards attached to the same structure, the perimeter of the "sign face" shall be the outer limits of the entire display.

1908.27 Subdivision Development Sign; no permit required

A temporary sign advertising the sale of properties within a subdivision, to be removed within 10-days following the sale of 100-percent of lots, or one year from the last sale of subdivision lots, whichever occurs first.

Zoning Districts: All (No more than three-signs per street frontage)

Structural Type: Wall or Ground Sign

Maximum Area: 50-square feet

Maximum Height: 12-feet

Illumination: None

Minimum Spacing: 330-apart and 100-feet from any adjoining property

1908.28 Subdivision, Mobile Home, Manufactured Home or Recreational Vehicle Park Name Sign

A permanent sign displaying only the name of a subdivision or park.

Such signs shall be limited to one sign on each side of any street entrance to a subdivision or park, subject to the approval of design, size, and location by the County Zoning Inspector.

Zoning Districts: All

Structural Type: All

Maximum Area: Subject to the approval by the County Zoning Inspector

Maximum Height: Subject to the approval by the County Zoning Inspector

Illumination: Permitted

1908.29 Temporary Sign

Any sign which is intended to remain upon a site for a specified period of time to serve a special purpose. Such signs must be secured to a structure or the ground. Temporary signs must be mounted upon a rigid frame or backing, except that cloth banners may be used when securely affixed to a building. All such signs must conform to the provisions of these Zoning Regulations, including sign classification, size, and location restrictions, whether or not a permit is required. Portable signs, A-frame signs, etc., which are not securely affixed to the premises, are prohibited.

1908.30 Traffic Control Sign, Private; no permit required

A sign marking the entrance or exit to a site, parking area, service or loading area, or permitted accessory use.

Zoning Districts:	All
Structural Type:	Wall or Ground Sign
Maximum Area:	RU, GB, LI, and HI Zoning Districts: six-square feet
	All Other Zoning District: two-square feet
Maximum Height:	Three-feet
Illumination:	None
Maximum Number:	One-per entrance, exit, and/or turning point

1908.31 Wall Sign

A sign placed flat against or attached parallel to an exterior wall of a building, including a parapet wall or fascia, and not extending beyond any edge of the surface to which it is attached. Wall signs shall not project more than 12-inches out from the supporting wall.

1908.32 Window Graphic (Temporary); no permit required

Any graphic which is painted, attached, glued or otherwise affixed to a window or depicted upon a card, paper, or other material and placed on, taped on or hung immediately behind the window or displayed from a window in such a way as to be visible from beyond the boundaries of the site. Not more than 25-percent of any window area may be so occupied. Window Graphics may be utilized where Wall Signs are permitted provided they conform to area and sign classification limitations for the Zoning District. Temporary Window Graphics, such as those advertising a special sale or holiday decorative displays, shall not be calculated in the aggregate area and shall not require a permit.

1908.33 Window Graphic (Permanent)

Permanent Window Graphics shall be calculated in the maximum aggregate sign area for the site and shall require a permit. Window Graphics may be utilized where wall signs are permitted provided they conform to area and sign classification limitations for the Zoning District.

ARTICLE 20

EXEMPTIONS, EXCEPTIONS AND NONCONFORMANCES

2001 Purpose

2001.01 To specify statutory exemptions and other types of structures and uses of land which are exempt from all or part of these Zoning Regulations;

2001.02 To allow any use of land or structure to continue as long as it lawfully existed at the time these Zoning Regulations became effective or were amended, even if the use, structure, lot or site improvement does not now conform with the regulations for the Zoning District in which it is located; and

2001.03 To identify and limit the continuing existence of nonconforming uses, lots and structures.

2002 Exemptions

2002.01 Statutory Exemptions

A. These Zoning Regulations shall not prevent, restrict, or otherwise regulate the use or occupation of land or improvements for railroad, mining, metallurgical, grazing, or general agricultural purposes, if the tract concerned is five or more contiguous commercial acres, as provided by Arizona Revised Statutes. To obtain agricultural exemptions, the property owner must demonstrate that the use is exempt under the general agricultural provisions defined in Article 2 of these Zoning Regulations. All exemptions shall be determined by the use of the land, and are only for that particular use. If the use changes and the new use is not exempt, the new use shall comply with these Zoning Regulations.

B. Uses determined to be exempt under this Section which require review by the Health or Highway and Floodplain Department shall be required to file for an Informational Permit pursuant to Article 17.

C. Pursuant to Article 17, the placement of any manufactured home or factory-built building on a site shall require an installation permit, regardless of exemption status as required by the Arizona Office of Manufactured Housing.

D. Pursuant to Arizona Revised Statutes (Planning and zoning; military airport and ancillary military facility's operation compatibility): A single family residential use that is the primary residence for persons engaging in agricultural use and ancillary residential buildings incident to the primary agricultural use, which is located in a high noise or accident potential zone, or in the vicinity of a military airport or ancillary military facility (as defined in Title 28 of Arizona Revised Statutes), are not exempt from the noise reduction levels required for the design and construction of new residential buildings or expansions of residential buildings and other possible prohibitions on construction as set forth in the Arizona Revised Statutes.

2002.02 Essential Services Exemptions

The following uses are exempt from the Zoning Regulations; however, where indicated below, they are not exempt from the Building Code. In addition, these uses may be subject to other governmental regulations adopted by Cochise County and other governmental agencies such as Health, Highway and/or Floodplain Departments. The following uses do not require a building/use permit under these Zoning Regulations:

A. Rights-of-way for streets, alleys, drainageways and other public and non-public rights-of-way.

B. Transmission lines for the distribution of franchised public or private utilities, to include meter boxes, pipes, poles, wires, hydrants or similar installations necessary to distribute utilities such as water, gas, wastewater, electricity, telephone, telegraph, television and radio. More substantial structures with a potential to impact the surrounding community, such as substations, booster stations, buildings, water tanks, communication equipment, and communication towers, are not exempt and must be located so as to minimize any adverse impacts generated by that structure. All such structures, however, are exempt from minimum site area requirements of the applicable Zoning District, provided that there is an adequate site area to minimize any adverse impacts of such use. The County Zoning Inspector may waive or modify site development standards for more substantial structures approved as part of a subdivision review process provided that adverse impacts are minimized.

C. Essential governmental services of public agencies (local, state and federal) including schools and special districts such as drainage, flood control, irrigation, fire and sanitation, and including facilities, attendant appurtenances and accessories used by such agencies. Shared uses by public agencies and private parties shall not be exempt unless determined by the County Zoning Inspector that the proposed use by a public agency meets the intent of an essential governmental service. Only public agencies shall be deemed essential government services. The building code does apply to this class of uses.

D. Pursuant to Article 17, the placement of any manufactured home, rehabilitated mobile home or factory-built building on a site shall require an installation permit, regardless of the exemption status.

2002.03 Height Exceptions

Height regulations established elsewhere in these Zoning Regulations shall not apply to the following in any district: chimneys, flagpoles (but not higher than 10-feet above the height limitation for that Zoning District), parapet walls extending not more than four-feet above the height limit of the building, amateur radio and residential antennas and related structures, private windmills, Wind Energy Systems (See Article 18 for Wind Turbine height limits), anemometers, church spires, belfries, residential satellite dishes, cooling towers, water tanks, substation line-support towers and solar energy equipment.

2003 Nonconformances

2003.01 Nonconforming Lots

A. Any lot or parcel of record having less site area than required for the Zoning District in which it is located which lawfully existed either prior to January 1, 1975, or which was rendered nonconforming as a result of subsequent amendments to these regulations may be developed provided the developer complies with all applicable site development standards of these regulations.

B. Any contiguous nonconforming lots or parcels which come under single ownership are considered combined and subject to all provisions of these Zoning Regulations if:

1. The combined parcels have been assessed and taxed as a single parcel;

2. The owner of the lots has combined the lots in any manner for purposes of building or use permit approval; or

3. There is other evidence showing an intent to combine or use more than one lot as a single parcel.

C. Any lot or parcel of record having less site area than required for the Zoning District in which it is located, and which lawfully existed prior to January 1, 1975, which was subsequently combined with an adjacent lot and, thereby, increased in size but remains smaller than the minimum lot size for the Zoning District in which it is located, shall continue to be deemed a legal, nonconforming lot or parcel. Any action that makes a substandard size lot more conforming to the minimum lot size shall not cause the discontinuance of the legal nonconforming status of the subject lot or lots.

2003.02 Continuing Existing Uses

A. Any use of land, lot or parcel, building or structure, lawfully existing either prior to January 1, 1975, or rendered nonconforming as a result of subsequent amendments to these Zoning Regulations, may be continued even though such use does not now conform to these Regulations. It is often difficult for owners and the County to find and produce evidence of use prior to January 1, 1975. Accordingly, for purposes of determining use under this subsection, the use prior to January 1, 1975 may be inferred from the best available historical evidence, but in all events any such evidence must demonstrate or suggest the use at least ten-years prior to the date of the determination of nonconforming use.

B. Nothing herein shall be construed to prevent the continued use or reasonable repair or alteration of a non-conforming structure or use for the purpose used at the time such use became nonconforming.

2003.03 Discontinuance of Nonconforming Uses

A. In the event that a nonconforming use of land, building or structure is changed to a permitted use, or is discontinued for a period of 36-consecutive months as a result of conduct within the control of or attributable to the property owner, any future use thereof shall be in conformity with these Zoning Regulations.

B. In the event that a nonconforming use of land, building or structure is destroyed by fire, explosion, act of God, or act of the public enemy, then the future use shall from and after the date of such destruction, be subject to all of these Zoning Regulations or amendments thereto for the Zoning District in which such future use is located. However, property owners whose structures were damaged or destroyed by a catastrophic event that the Board of Supervisors declares to be an emergency, and who wish to repair or rebuild structures deemed non-conforming are exempt from this requirement.

2003.04 Expansion of a Nonconforming Use

A. A nonconforming use of land, building or structure shall not be enlarged, extended, reconstructed or structurally altered unless such enlargement, extension, reconstruction or structural alteration conforms with these Zoning Regulations for the Zoning District in which such property is located, except:

1. That a nonconforming business use may expand with a permit, provided it meets all current site development standards; or

2. That a nonconforming business use may expand if such expansion does not exceed 100-percent of the area of the original business provided that such expansion remains within the original parcel boundaries; or

3. That the expansion of a non-conforming residential use may extend walls on the same alignment as the non-conforming structure so long as the overall expansion of the structure does not exceed 75-percent of the original building floor area; or

4. That apartments, mobile home parks, and RV parks are considered residential uses, not commercial uses, as applied to this Article, and therefore not permitted to expand.

B. If a nonconforming use of land is nonconforming due to driveway location, driveway apron improvement surface, or sight visibility as specified in Article 18, no enlargement, extension, reconstruction or alteration shall occur until there has been provision made to correct the access or sight visibility deficiencies.

2003.05 Change of Nonconforming Use or Relocation of Structures

A. If no structural alterations are made, any nonconforming use of land, building, or structure may be changed to another nonconforming use provided that the proposed use does not generate any greater impacts on surrounding property as determined by the County Zoning Inspector.

B. No nonconforming structure shall be moved any distance on the same parcel or lot, unless such relocation reduces the amount of the nonconformance and will not generate any greater impacts on surrounding properties as determined by the County Zoning Inspector.

2003.06 Setbacks for Structures on Nonconforming Residential Parcels

A. For any nonconforming lot or parcel of record in a residential district the minimum setbacks and distances between buildings may be reduced as follows:

1. Minimum Front or Street Setback: 15-feet

2. Minimum Setback All Other Sides: five-feet

3. Minimum Distance Between Principal Buildings: seven and one-half-feet

B. For any nonconforming lot shown on a tentative plat which was approved by the Planning Commission prior to January 1, 1975 for which effective covenants, conditions and restrictions (CC&R's) of record exist; or for any lot on a final plat of record in the County Recorder's Office for which both the plat and effective CC&R's were recorded prior to January 1, 1975, the minimum setbacks and distances between principal buildings specified in the CC&R's may be used in place of the distances otherwise required under these Zoning Regulations, provided that they shall not be reduced below the minimum distances shown in Section A above.

2003.07 Improvements on Nonconforming Lots

A. For any nonconforming lot or parcel of record, permits may be issued in very narrow circumstances for fences and building code repairs or replacements, such as a re-roof, that do not increase the level of nonconformance.

ARTICLE 21

BOARDS OF ADJUSTMENT

2101 Creation and Membership

A Board of Adjustment is hereby established in each supervisorial district of Cochise County. Each Board of Adjustment shall consist of three members, each of whom shall be a resident of the supervisorial district from which he is appointed. Appointments shall be made by the Board of Supervisors. Members shall serve without compensation except for reasonable travel expenses. No member of any Board of Adjustment shall be a member of the Cochise County Planning Commission, and no employee of said Planning Commission shall be appointed to a Board of Adjustment. The terms of the members of each Board of Adjustment first appointed shall be two, three, and four years; thereafter, each term shall be four years. Any member may be removed by the Board of Supervisors for neglect of duty, inefficiency, or misconduct in office, after a 10-day written notice and public hearing thereon. A written statement of the reason for removal shall be filed with the Clerk of the Board of Supervisors. If a member moves from the supervisorial district from which he is appointed, his office shall at once become vacant. Vacancies shall be filled for the unexpired term of any member whose office has become vacant.

2102 Meetings and Rules

2102.01 Each Board of Adjustment shall hold at least one regular meeting each month if there is a need, and such additional meetings as the Chairman or a majority of the members deem necessary for the transaction of business. All regular and special meetings shall be open to the public.

2102.02 Each Board of Adjustment shall adopt its own by-laws and rules of procedure, which shall be filed with the Clerk of the Board of Supervisors. The Planning Director shall serve each Board of Adjustment as Executive Secretary.

2102.03 Each Board of Adjustment shall keep written or recorded minutes of its proceedings showing the vote of each member upon each question, or indicating any member's absence or failure to vote, and shall keep records of its examinations and other official actions, all of which shall be filed and maintained by the Planning Director and shall be available for public inspection during customary office hours.

2102.04 A majority of the Board of Adjustment shall constitute a quorum. All action shall be by resolution, and the concurring vote of a majority of the quorum shall be necessary to reverse any order or determination of the County Zoning Inspector, or to decide in favor of an Applicant in any matter of which the Board of Adjustment has original jurisdiction under these Zoning Regulations, or to grant any Variance from the requirements contained in these Zoning Regulations.

2102.05 Each Board of Adjustment may call upon any Cochise County officer, department, board, Planning Commission or agency for assistance in the performance of its duties, and it shall be their duty to render such assistance as may be reasonably required.

2103 Jurisdiction and Powers

Each Board of Adjustment shall have jurisdiction only within the supervisorial district from which its members are appointed and shall have the following powers and may exercise any other powers specifically conferred by any provision of these Zoning Regulations:

2103.01 Interpretations and Appeals of Interpretations

The Board of Adjustment shall have the power to interpret any word, phrase, or section of these Zoning Regulations, when there is dispute between the Appellant and the County Zoning Inspector or when the location of any Zoning District boundary is in doubt.

An appeal concerning interpretation or administration of these Zoning Regulations may be taken to the Board of Adjustment by any person aggrieved or affected by any decision of the County Zoning Inspector. Such appeal shall be taken within 30-days by filing with the County Zoning Inspector a notice of appeal specifying the grounds therefore on forms provided by the Inspector. The County Zoning Inspector shall transmit to the Board of Adjustment all papers constituting the record of the action being appealed. Such appeal shall stay all proceedings in the matter being appealed, unless the County Zoning Inspector certifies to the Board of Adjustment that, by reason of the facts stated in the certificate, the stay would in his opinion cause imminent peril to life or property. In such case, proceedings shall not be stayed except by a restraining order granted by the Board of Adjustment or by a court of record. The Board of Adjustment shall fix a time for hearing the appeal and give notice thereof to the parties in interest and the public as set forth herein.

Appeals of decisions made by the County Zoning Inspector which fall within the scope of Arizona Revised Statutes shall follow those procedures established by ordinance by the Board of Supervisors for the processing of such appeals.

2103.02 Variances

The Board of Adjustment may grant a Variance from the terms of these Zoning Regulations when, owing to peculiar conditions, a strict interpretation would work an unnecessary hardship, if in granting such Variance the general intent and purposes of the Zoning Regulations will be preserved. It shall be the responsibility of the Applicant to submit any studies and/or data necessary to demonstrate the effectiveness of the alternative conditions.

These Zoning Regulations are generally intended to yield results that are in compliance with all other applicable laws. A request for a "reasonable accommodation" in these regulations, pursuant to any federal or state housing law or other similar legislation, as may be necessary to afford an equal opportunity to housing under any such law, shall be considered to be an appropriate condition for a Variance from the strict application of these Zoning Regulations. The Board of Adjustment is authorized to grant any such Variance, to the extent that any such accommodation is required pursuant to any applicable state or federal law.

Any decision of the Board of Adjustment allowing a Variance shall be considered for revocation by the Board of Adjustment if substantial construction, in accordance with the plans for which such Variance was granted, has not been initiated within 12-months of the date of approval, building permit issuance, or if judicial proceeding to review the Board of Adjustment's decision has been instituted, 12-months from the date of entry of the final order in such proceedings, including appeals. Additionally, if any of the conditions of the Variance approval are not complied with within 12-months or within the time period set by the Board, it shall be revoked after 30-days notice to the owner and Applicant, unless a request for a review hearing before the Board of Adjustment is made by the Applicant within this 30-day appeal period. The Board of Adjustment may grant reasonable extensions to the time limits upon a hearing pursuant to a timely written request by the Applicant.

2104 Application for Variance

Application for any Variance from these Zoning Regulations shall be made to the Board of Adjustment after the formal applicable permit application has been submitted and reviewed. Such applications shall be made on forms prescribed by the Board of Adjustment, shall be filed with the Planning Director, and shall be accompanied by: Reasons for requesting the Variance, which shall include a notation of the specific provisions of the Zoning Regulations under which the Variance is requested. Any documents necessary to demonstrate compliance with the cited provision shall be attached.

2105 Fees

Applications to the Boards of Adjustment shall be accompanied by the appropriate fee as set forth in the adopted Planning and Zoning Fee Schedule.

2106 Hearings

Upon receipt of notice of appeal, application for a Variance or any other application properly invoking its jurisdiction, the Board of Adjustment shall schedule a public hearing to take place within a reasonable time frame established by the County Zoning Inspector. Public notice of every hearing shall be given not less than 15-days prior to the hearing by publication of the notice at least once in a newspaper of general circulation in the county seat.

In the case of a Variance, the property shall also be posted in no less than two places not less than 10-days in advance of the hearing. Notice shall also be mailed, via first class, to each real property owner, as shown on the last assessment of the property, within 300-feet of the proposed Variance.

2107 Decisions

Decisions of the Board of Adjustment shall be made within a reasonable time. Every decision of the Board of Adjustment shall be based upon findings of fact, and every finding of fact shall be supported in the record of its proceedings.

2108 Conditions

In approving any Variance, the Board of Adjustment may prescribe appropriate conditions in harmony with the general purpose of these Zoning Regulations which will maintain the integrity and character of the Zoning District within which the use is situated.

Where necessary, the Board of Adjustment may require that securities be deposited with the Cochise County Treasurer, in such form and amount as it may deem proper under the circumstances, to insure compliance with the conditions designated in connection therewith. If any regulation, restriction, condition, or stipulation is violated, the said securities shall be forfeited to Cochise County and the decision allowing the Variance or granting the use or building permit shall become null and void.

Failure to fulfill any condition shall be deemed a violation of these Zoning Regulations.

2109 Appeal of a Decision Made by the Board of Adjustment

Any person aggrieved by a decision of the Board of Adjustment may at any time within 30-days of such decision appeal to the Superior Court, and the matter shall be heard in like manner as appeals from courts of justices of the peace.

ARTICLE 22

AMENDMENTS

2201 Authority

The Board of Supervisors may, after receiving a recommendation from the Planning Commission and after holding a public hearing as required by law, amend these Zoning Regulations or amend Zoning District classifications or boundaries. Amendments may be initiated pursuant to an application or by the Planning Commission on its own motion.

2202 Amendments Initiated by the Board of Supervisors, Planning Commission or Planning Director

In addition to amendments initiated by application as described in Section 2204, to provide timely and appropriate amendments with due consideration of the Comprehensive Plan, the Board of Supervisors, Planning Commission and Planning Director shall follow the procedures set forth in Section 2205 whenever the Board of Supervisors, Planning Commission or Planning Director initiates an amendment of these Zoning Regulations or amendments to the Zoning District classifications or boundaries.

2203 Citizen Review Process

A. The purpose of the citizen review process is to achieve the following:

   1. Ensure that Applicants pursue early and effective citizen review in conjunction with their applications, giving them the opportunity to understand and to try to mitigate any real or perceived impacts their application may have on the neighborhood or community;

   2. Ensure that the citizens and property owners of Cochise County have an adequate opportunity to learn about applications that may affect them and to work with Applicants to resolve concerns at an early stage of the process; and

   3. Facilitate ongoing communication between the Applicant, interested citizens and property owners, County staff, elected and appointed officials throughout the application review process.

B. The citizen review process is not intended to produce complete consensus on all applications, but to encourage Applicants to be good neighbors and to allow for informed decision-making.

C. In order to maximize the opportunity for citizen involvement in the application process that is described in the following sections, and to resolve any neighborhood issues at an early stage in the process, the following requirements shall be included in the application process:

   1. Prior to submitting a formal application, an Applicant shall participate in a pre-application meeting with planning staff. This meeting has a two-fold purpose:

      a. To go over the application requirements, including a Citizen Review Report; and

      b. To familiarize staff with the project and identify and discuss any issues related to the application.

   2. At a minimum, the Applicant shall notify and, if requested, meet with homeowners' or community associations nearest the subject parcel and all adjacent and potentially impacted property owners. These property owners shall be defined to include:

a. All of those who own property located within the area subject to the application.

b. In Category D Rural areas, all of those property owners who own property outside of the area subject to the application, but within 1500-feet from the boundaries of the subject property.

c. In Category A, B, or C Growth areas, all of those property owners who own property outside of the area subject to the application, but within 1000-feet from the boundaries of the subject property.

d. Rezonings to less intensive Districts do not require a Citizen Review.

e. For purposes of this section and all other provisions requiring notice to property owners, “property owners” shall be deemed to be those owners designated in the available records of the most recent assessment of the property for property tax purposes, and "Applicant" refers to anyone other than the Planning Commission.

3. This notification shall include a description and location of the project and how verbal and written comments can be submitted. If public meeting(s) are scheduled, the time, date, and location of the meeting(s) shall be included.

4. A Citizen Review Report documenting the above process shall be required as part of the application submittal. At a minimum, this report shall include:

   a. Copies of notices sent to property owners, homeowners’ and community associations;

   b. Copies of all information provided to the public;

   c. Signup sheets from all public meetings if any;

   d. Any responses received from the public during this process; and

   e. A description of how the Applicant responded to this feedback.

2204 Amendments Initiated by Application

A property owner or authorized agent of a property owner desiring a text amendment to the Zoning Regulations or desiring an amendment in a Zoning District classification or boundary, for either a single parcel or contiguous parcels, shall apply to the Board of Supervisors for such amendment by filing with the Planning Director a properly completed application in the manner prescribed by these Zoning Regulations. Any interested person may apply to amend these Zoning Regulations in a similar manner.

The Planning Director has established a schedule of cut-off dates when all required material must be submitted in order to place an amendment application on the agenda of a Planning Commission meeting. These dates are generally 45-days in advance of the meeting to allow adequate time to meet legal notification requirements and to prepare a report on the proposed amendment.

2204.01 An application to amend these Zoning Regulations shall include:

A. The Applicant's name, address, and interest in the amendment;

B. The proposed amendment to the Zoning Regulations;

C. Statements in support of the application, including a list of present conditions justifying the proposed amendment;

D. Application fee as set forth in the adopted Planning and Zoning Fee Schedule.

2204.02 An application to amend a Zoning District classification or boundary shall include:

A. The name and address of all owners of the property for which a rezoning is sought, together with proof of ownership such as a copy of the deed of ownership, title report or tax notice.

B. If the Applicant is not the current owner of record of the subject property, the application shall also include:

1. The Applicant's name, address, interest in the amendment.

2. Proof of agency, including a listing of every real party in interest, whether a beneficiary of a trust or otherwise, when the Applicant represents another person, firm, partnership or corporation.

a. If the land is owned by a corporation, proof of agency shall consist of a corporate resolution designating the individual to act as agent. The corporate resolution must be certified by the secretary of the corporation and authenticated by the corporate seal, or acknowledged in the form prescribed by Arizona Revised Statutes.

b. If the land is owned by a partnership, proof of agency shall consist of a written document of the partner(s) designating an individual to act as agent. The document must be certified and acknowledged in the form prescribed by Arizona Revised Statutes.

c. If the land is owned by an individual, proof of agency shall consist of a written document designating an individual to act as agent. The document must be certified and acknowledged in the form prescribed by Arizona Revised Statutes.

C. The proposed amendment to the Zoning District classification.

D. A map drawn to scale showing the existing and proposed District boundaries and an accurate legal description of the area being petitioned for amendment. Such map and legal description shall be certified by an Arizona Registrant, registered with the Arizona Board of Technical Registration, whenever approval of the amendment would establish more than one Zoning District on any lot of record. In some circumstances, a master development plan will also be required (See Article 4).

E. Statements reflecting the present conditions justifying the proposed amendment; statements showing that the parcel fulfills the criteria for establishment of the proposed District (Section 2208) or, in the absence of ability to comply, statements as to why the presumption against the rezoning should be overcome; and any other factors or reasons in support of the proposed amendment.

F. A Citizen Review Report per Section 2203.C.4.

G. A non-refundable application fee as set forth in the adopted Planning and Zoning Fee Schedule, except the fee shall not be applicable when the Applicant is acting in his capacity as an official or agent of any city, the County, the state, the federal government, or other governmental entity. Private developers on public lands are not exempt from the fee.

2205 Planning Commission Action on Application

Upon a finding by the Planning Director that an application has been completed in conformance with Section 2204, it shall be assigned a docket number, and a report shall be prepared.

If the application is for an amendment to a Zoning District classification, the Planning Director shall prepare a report evaluating the application in accordance with the criteria for the district to be formed in Section 2208, and shall transmit the report to the Planning Commission and the Applicant prior to the hearing.

2206 Planning Commission Action

Upon receipt of the application, the Planning Director shall submit it to the Planning Commission for consideration. Prior to reporting to the Board, the Planning Commission shall:

2206.01 Hold at least one public hearing thereon after at least 15-day's notice by one publication in a newspaper of general circulation in the County seat and by posting the area included in the proposed change. The posting shall be in no less than two places with at least one notice for each quarter mile of frontage along perimeter public rights-of-way so that the notices ware visible from the nearest right-of-way.

2206.02 The Planning Commission shall also send notice by first class mail to each real property owner, as shown on the most recent available records of the last property tax assessment, located within 300-feet of the proposed amendment or change if within Growth Category A, B, or C, or within 1500-feet if within a Category D area, and to County and municipality which is contiguous to the area of the amendment or change. For proposed rezonings to Heavy Industry (HI), the Planning Commission shall send this notice to each owner of real property located within 1 mile of the proposed area of amendment, in all Categories. The notice sent by mail shall include, at a minimum, the date, time and place of the hearing on the proposed amendment or change including a general explanation of the matter to be considered, a general description of the area of the proposed amendment or change, and how the real property owners within the zoning area may file approvals or protests of the proposed rezoning.

2206.03 If the matter to be considered applies to territory in a high noise or accident potential zone as defined by Arizona Revised Statutes, the notice shall include a general statement that the matter applies to property in a high noise or accident potential zone. In proceedings involving rezoning of land that is located within territory in the vicinity of a military airport as defined in Arizona Revised Statutes, the Planning Commission shall send notice of the public hearing by first class mail to the military airport.

2206.04 In proceedings that are initiated by the Planning Commission involving rezoning, notice by first class mail shall be sent to each real property owner, as shown on the most recent available records of the last property tax assessment, of the area to be rezoned, in addition to the notice to adjacent property required above.

2206.05 In proceedings involving one or more of the following proposed changes or related series of changes in the standards governing land uses, notice shall be provided in the manner prescribed by Section 2206.06:

A. A ten-percent or more increase or decrease in the number of square feet or units that may be developed.

B. A ten-percent or more increase or reduction in the allowable height of buildings.

C. An increase or reduction in the allowable number of stories of buildings.

D. A ten-percent or more increase or decrease in setback or open space requirements.

E. An increase or reduction in permitted uses.

2206.06 In proceedings governed by 2206.05, the County shall provide notice to real property owners pursuant to at least one of the following notification procedures:

A. Notice shall be sent by first class mail to each real property owner, as shown on the last assessment, whose real property is directly affected by the changes.

B. If the County issues utility bills or other mass mailings that periodically include notices or other informational or advertising materials, the County shall include notice of such changes with such utility bills or other mailings.

C. The County shall publish such changes prior to the first hearing on such changes in a newspaper of general circulation in the County. The changes shall be published in a "display ad" covering not less than one-eighth of a full page.

2206.07 If notice is provided pursuant to 2206.06.B or C., the County shall also send notice by first class mail to persons who register their names and addresses with the County as being interested in receiving such notice. The County may charge a fee not to exceed five dollars per year for providing this service and may adopt procedures to implement this paragraph.

2206.08 Notwithstanding the notice requirements set forth in 2206.05, the failure of any person or entity to receive notice shall not constitute grounds for any court to invalidate the actions of the County for which the notice was given.

2206.09 After holding a public hearing, the Planning Commission shall make a recommendation on the proposed amendment and shall forward it to the Board of Supervisors for its action. If the Planning Commission has held a public hearing, the Board may adopt the recommendations of the Planning Commission through use of consent calendar without holding a second public hearing if there is no objection, request for a public hearing or other protest. If there is an objection, a request for a public hearing or a protest, the Board shall hold a public hearing thereon at least 15-days' notice of which shall be given by one publication in a newspaper of general circulation in the County seat and by posting the area included in the proposed change.

2207 Board of Supervisors Action

2207.01 Upon receipt of the Planning Commission's recommendation the Board shall hold a public hearing at least fifteen days' notice of which shall be given by one publication in a newspaper of general circulation in the County seat and by posting the area included in the proposed change. After holding the hearing the Board may adopt the amendment, but if twenty percent of the owners of property by area and number within the zoning area file a protest to the proposed change, the change shall not be made except by a three-fourths vote of all members of the Board. If any members of the Board are unable to vote on the question because of a conflict of interest, the required number of votes for the passage of the question is three-fourths of the remaining membership of the Board, except that the required number of votes in no event shall be less than a majority of the full membership of the Board. In calculating the owners by area, only that portion of a lot or parcel of record situated within 300 feet of the property to be rezoned shall be included. In calculating the owners by number or area, County property and public rights-of-way shall not be included.

2207.02 The Planning Commission may on its own motion propose an amendment to the Zoning Regulations and may, after holding a public hearing as required by this Article, transmit the proposal to the Board which shall thereupon proceed as set forth in this Article for any amendment.

2207.03 Notwithstanding the provision of Arizona Revised Statutes, a decision by the Board involving rezoning of land which is not owned by the County and which changes the zoning classification of such land or which changes the zoning standards of such land as set forth in subsection 2206.05 may not be enacted as an emergency measure and such a change shall not be effective for at least 30-

days after final approval of the change in classification by the Board. Unless a resident files a written objection with the Board of Supervisors, the rezoning may be enacted as an emergency measure that becomes effective immediately by a two-thirds majority vote of the Board.

2207.04 For the purposes of this Article, "zoning area" means the area within 300-feet of the proposed amendment or change.

2207.05 Reversion Period

The Board may approve a change of zone conditioned on a specific use or uses and/or a schedule for development of the specific use or uses for which the rezoning was requested. If the property has not been improved for the use which it was conditionally approved, the Board may revert the zoning back to what it was previously. The Board shall schedule a public hearing to grant an extension, determine compliance with the schedule for development, or cause the property to revert to its former zoning classification. The owner or Applicant who requested the rezoning shall be notified of the hearing by registered mail.

2208 Criteria for Establishment of a Zoning District in Accordance with the Comprehensive Plan

2208.01 Purpose

It is the intent of this section to establish the rank-order of Zoning Districts from least intensive to most intensive and to establish criteria which will enable County staff, the developer, his or her neighbors, the Planning Commission, and the Board of Supervisors to determine if a zoning amendment is in conformance with the goals and policies established in the Comprehensive Plan.

2208.02 Intensity of Zoning Districts

The determination of relative intensity of the Zoning Districts is based upon both the types of uses permitted and the maximum density of development. Some Zoning Districts are grouped into one intensity level ranking, since their overall impact on an area can be expected to be similar. For the purpose of establishing Zoning Districts, the following Zoning Districts are rank-ordered from least intensive to most intensive:

1. RU-36 or SM-36 Acres or SR-36 Acres
2. RU-18 or SM-18 Acres or SR-18 Acres
3. RU-10 or SM-10 Acres or SR-10 Acres
4. RU-4 or SM-174 (4-acres) or SR-174 (4-acres)
5. RU-2 or SM-87 (2-acres) or SR-87 (2-acres)
6. SR-43
7. SM-36 or R-36
8. SR-22
9. SM-18 or R-18
10. SR-12
11. SM-9 or R-9
12. SR-8
13. MR-1 or MR-2
14. NB

15. PD
16. GB
17. LI
18. HI

2208.03 Rezoning Criteria

A. Mandatory Compliance: Permitted Districts by Plan Designation or Other Adopted Plans

Within each Plan Designation or Area, as depicted in Article 4, only those Zoning Districts which are compatible with the characteristics of that Designation or Area may be formed. A PD (Planned Development) Zoning District may be proposed in any Plan Area or Designation. Further, if a master development plan, transportation plan, or other land use plan has been adopted for the area encompassing the rezoning, the rezoning shall be consistent with the adopted plan. In order to protect the integrity and purpose of the County Comprehensive Plan, compliance with this factor is mandatory. If the desired Zoning District is not permitted in the existing Plan Designation or Area, then it cannot be formed unless a plan change is first obtained according to the provisions of Article 4. This section shall not be construed to prevent the continued existence of nonconforming Zoning Districts which were formed prior to the adoption of these Zoning Regulations.

B. Rezoning Evaluation Factors

The Planning Commission and the Board of Supervisors shall consider the factors listed below in deciding whether or not to approve a rezoning. The rezoning factors represent policy decisions by the Planning Commission and the Board of Supervisors, reducing uncertainty concerning their probable response to a given request. Compliance or non-compliance with applicable factors serves as the basis for analyzing the rezoning and determining the factors in favor or against the zoning. In most rezonings there will be both factors in favor and factors against a land use, consequently the importance of individual factors will be analyzed and balanced against other factors when making a recommendation; individual factors may weigh more heavily than other factors. No set of factors, however, can totally determine the acceptability of all land use proposals. For example, a property owner who adequately demonstrates compliance with the intent of Comprehensive Plan goals and policies may be able to receive approval in spite of non-compliance with any individual factor. Conversely, a determination that unusual circumstances exist or there is great public protest pertaining to a rezoning request may result in a denial even though the rezoning appears to comply with other factors.

If the proposed District does not meet the applicable requirements for street, sewer, or water improvements, the Board may condition approval of the rezoning upon completion of such improvements. The Board may require appropriate improvement security, or use the mechanism of building permit, subdivision plat, or master development plan approval to cure these deficiencies.

Compliance with applicable factors below constitute factors in favor of the rezoning:

1. The Applicant's application is accompanied by a Land Use/Concept Plan, which at a minimum includes:

   Non-residential

   The type(s) of use(s) planned for the site is specified.

The general location, size and height of all structures, location, surface and width of driveways, general location and number of parking spaces, setbacks, proposed screening and landscaping and any significant topographical features such as washes, wetlands, cultural, archaeological or historical sites, hills, and rock outcroppings.

Residential

A conceptual subdivision plat and a statement that a subdivision plat will be submitted within 18-months to 3-years.

2. Compliance With Applicable Site Development Standards

All sites within the proposed District must be capable of reasonable development for typical uses within the proposed District, through compliance with all applicable site development standards. This criterion applies to formation of all Zoning Districts in all plan areas. When a rezoning would render existing uses or structures non-conforming as a result of different site development standards, at the time of the rezoning the Board of Supervisors may determine which site development standards apply.

3. Adjacent Districts Remain Capable of Development

The proposed District shall not result in the reduction of remaining adjoining Zoning Districts to a size or shape incapable of reasonable development for typical uses within that District.

4. Limitation on Creation of Nonconforming Uses

The rezoning of an area containing a high percentage of uses that do not conform to the Zoning Regulations of the proposed District should be discouraged. Exceptions should be granted only when a determination is made that other advantages offered by the proposed rezoning offset the undesirable effects of the nonconforming lots or uses that will be created as may often be the case in Neighborhood Rehabilitation and Enterprise Redevelopment designations.

5. Compatibility With Existing Development

The proposed Zoning District(s) bears a logical relationship to surrounding Zoning Districts.

6. Rezonings to More Intense Districts

If rezoning to a more intense Zoning District, which abuts less intense Zoning Districts, the Applicant has demonstrated that the less intense Districts are protected in one or more of the following ways:

a. The proposed District is buffered by an intermediate District of sufficient size to provide a reasonable transition of intensity from the existing area (as a guide a reasonable transition is considered to be a difference of intensity or density of two levels as defined in 2208.02);

b. The proposed District is a reasonable extension of a similar density District within the area;

c. The proposed District provides a transition between an existing less intense District and a more intensive District or an arterial street; or

d. The proposed District is designed to provide adequate protection to the adjacent less intense development in the form of enhanced screening, landscaping, setbacks, large lot size, building orientation, or other design measures. (Note: When an HI District is proposed in a Comprehensive Plan Rural Area, this factor may be the only applicable factor because it is unlikely that a reasonable transition can be provided between the existing Rural Zoning District and the HI District.)

7. Adequate Services and Infrastructure

The following factors are used to determine if there are adequate services and infrastructure to serve an intensification of zoning:

a. For a rezoning to a more intensive District, the Applicant has provided adequate information to evaluate the impacts of the rezoning on roads, other infrastructure, and public facilities. The Applicant must demonstrate that there are adequate provisions to address the impacts identified. The Applicant shall provide data supporting the estimated traffic volumes as part of the application.

b. If the site accesses on a road where existing demonstrable traffic problems created by incremental development have already been identified, such as a high number of accidents, substandard road design, or surface, or the road is near or over capacity, the Applicant has proposed a method to address these problems.

c. The proposed development meets or will meet the applicable requirements for street, sewer, or water improvements.

d. The site has access to streets that are adequately designed and constructed to handle the volume and nature of traffic typically generated by the use. Sufficient information has been provided to effectively evaluate this criterion such as a Traffic Impact Analysis.

8. Traffic Circulation Criteria

a. Any rezoning shall be consistent with preservation of the functions of surrounding streets as defined in the County Comprehensive Plan.

b. If the rezoning is to GB, LI, or HI, the development shall not result in the use of any residential street for through traffic to and from the proposed District.

c. Consideration of future circulation needs in the surrounding area have been taken into account through right-of-way dedication and off-site improvements if warranted. Sufficient information has been provided to effectively evaluate this criterion such as a Traffic Impact Analysis.

9. Development along Major Streets

The rezoning size limits the number of access points on major thoroughfares or arterial streets, and County collectors through the use of frontage roads, shared access, no access easements or other safe methods designed to minimize road cuts that create unsafe traffic conflicts, hazardous traffic congestion and obstruct the functioning of arterials.

10. Infill

If rezoning to GB, LI, or HI, the site is in an existing Enterprise or Enterprise Redevelopment plan designation area. This factor is designed to encourage infill in areas where commercial and industrial development already exists, thereby discouraging sprawl, and locating new non-residential developments where adequate infrastructure may already exist and where they are most likely to be compatible with existing uses.

11. Unique Topographic Features

A rezoning to a more intensive Zoning District shall not take place if there are areas of unstable soils, steep slopes, severe washes, floodplains, etc., which are not appropriate for intense development. Rezonings encompassing such areas will be discouraged unless the developer carefully plans development around these areas, such that they are appropriately protected.

12. Water Conservation

Uses proposed in any rezoning shall show conformance with the water conservation regulations in Article 18, and water conservation policies in the County Comprehensive Plan or any other applicable area/community or master plan. In the Sierra Vista Sub-Watershed Overlay Zone, private, voluntary, retirement of development rights proposed by an Applicant within two miles of the San Pedro Riparian National Conservation Area or within one mile of the Babocomari River may be a factor in favor of their request for concomitant density increases elsewhere in the County.

13. Public Input

If there is major public opposition to a proposed rezoning, this may indicate that the technical evaluation regarding compatibility of the proposed District does not concur with the view of local residents and a recommendation of denial may be appropriate. If public concerns have been raised, it is fair to ask if the Applicant has made a reasonable effort to address these concerns through the Citizen Review Process.

14. Hazardous Materials

Adequate data has been submitted to determine that impacts from uses that may involve hazardous or dangerous materials are adequately mitigated.

15, Compliance with Applicable Area Plan, Master Development Plan, or Comprehensive Plan Policies

The proposed uses and design are in substantial conformance with adopted area plan, master development plan, or Comprehensive Plan policies.

2209 Modifications of Conditions of Approved Rezonings

Subsequent to conditional approval of a rezoning action, an Applicant may request that the Board of Supervisors, through a public hearing following the notification requirements of 2206.02, modify the conditions of approval or grant an extension for compliance with said conditions. Such requests for modification must be presented to the County Planning Director in written form and provide sufficient justification to consider the request. Such written requests to modify conditions of rezoning approval or to grant a time extension shall be accompanied by the appropriate non-refundable fee as set forth in the adopted Planning and Zoning Fee Schedule.

ARTICLE 23

ENFORCEMENT

2301 Violations Deemed a Nuisance

Any building, structure, or use erected or maintained or any use of property contrary to the provisions of these Zoning Regulations is unlawful and constitutes a public nuisance.

2302 Action to Enforce Regulations

For any violation of these Zoning Regulations, the County Attorney may, and upon order of the Board of Supervisors, shall commence all necessary actions or proceedings to enforce these Zoning Regulations including, but not limited to, actions to abate, enjoin, or remove the violating building, structure, or use.

2303 Remedies

All remedies concerning these Zoning Regulations shall be cumulative and not exclusive. Conviction and punishment of any person hereunder shall not relieve such persons from the responsibility of correcting prohibited conditions or removing prohibited buildings, structures, or improvements and shall not prevent the enforced correction or removal thereof. In addition to the other remedies provided herein, any adjacent or neighboring property owner specially damaged by the violation of any provision of these Zoning Regulations may institute, in addition to any other appropriate remedy or proceeding an action for injunction, mandamus, or proceeding to prevent, abate or remove such unlawful erection, construction, reconstruction, alteration, maintenance or use.

If a property is in violation the County Zoning Inspector may shorten the length of the permit to complete the project.

2304 Penalties

A. Any person, firm or corporation whether as principal, owner, agent, tenant, employee or otherwise, who violates any provisions of these Zoning Regulations or who violates or fails to comply with any order or regulation made hereunder shall be guilty of a misdemeanor, and upon conviction thereof, shall be punishable as provided for Class 2 misdemeanors by Arizona Revised Statutes. Such person, firm, or corporation shall be deemed guilty of a separate offense for each and every day during which such violation or failure to comply with these Zoning Regulations is committed, continued, or permitted.

B. Paragraph A notwithstanding, each violation of these Zoning Regulations or failure to comply with any order or regulation hereunder may be processed by the County Zoning Inspector as a violation subject to a civil penalty as provided by Arizona Revised Statutes, and heard by a duly appointed hearing officer, pursuant to the written rules of procedure for such hearings, as approved by the Board of Supervisors.

ARTICLE 24

SEVERABILITY

2401 Severability

The various parts of these Zoning Regulations are hereby declared to be severable. If any article, section, subsection, sentence, clause, phrase, or word of these Zoning Regulations is for any reason held to be invalid or unconstitutional by any court of competent jurisdiction, such decision shall not affect the validity of the remainder of these Zoning Regulations.

2402 Repeal of Conflicting Regulations

All regulations or ordinances or a portion of same in conflict with these Zoning Regulations, or inconsistent with the provisions of these Zoning Regulations, are hereby repealed to the extent necessary to give these Zoning Regulations full force and effect.

2403 Effective Date

These Zoning Regulations shall become effective beginning January 1, 2015 and remain in full force and effect thereafter.

APPROVED AND ADOPTED BY THE COCHISE COUNTY BOARD OF SUPERVISORS THIS 2nd DAY OF DECEMBER 2014 PER ZONING ORDINANCE NUMBER 14-10