

RESOLUTION 12-05

**AMENDING THE ORDINANCE ESTABLISHING THE COCHISE
COUNTY PLANNING AND ZONING COMMISSION AND
DEFINING ITS POWERS AND DUTIES**

WHEREAS, pursuant to the Ordinance adopted on November 20, 1969, the Board of Supervisors established the County Planning and Zoning Commission to consult with and advise the Board of Supervisors on matters of Planning and Zoning for the growth, development, improvement and beautification of Cochise County; and

WHEREAS, the statutes setting forth the powers and duties of planning and zoning commissions have been amended over the years, and it is thus necessary to amend the Cochise County Ordinance in order to conform; and

WHEREAS, on December 14, 2011, January 11, 2012 and February 8, 2012, the Planning and Zoning Commission held duly noticed public hearings on the proposed amendments to the Planning Commission's Ordinance and adopted those set forth on "Exhibit A," and hereby known as Docket R-11-08; and

WHEREAS, on March 13, 2012, the Board of Supervisors held a duly noticed public hearing on the amendments to the Planning and Zoning Commission's Ordinance,

NOW, THEREFORE, IT IS HEREBY RESOLVED that the Ordinance setting forth the powers and duties of the Cochise County Planning and Zoning Commission is hereby amended as set forth in "Exhibit A".

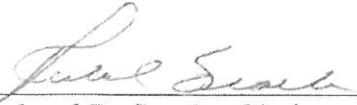
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RESOLUTION 12-05
Re: Amending Ordinance R-11-08
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APPROVED AND ADOPTED this 13th day of March, 2012 by the Cochise County Board of Supervisors in formal session.


Richard R. Searle, Chairman
Board of Supervisors

ATTEST: _____

APPROVED AS TO FORM:


Katie Howard
Clerk of the Board


Britt W. Hanson, Chief Civil
Deputy County Attorney

EXHIBIT "A"

COUNTY PLANNING AND ZONING COMMISSION ORDINANCE

AN ORDINANCE OF THE COUNTY OF COCHISE, ARIZONA, CREATING A PLANNING AND ZONING COMMISSION; DEFINING ITS POWERS AND DUTIES; PROVIDING FOR THE ORGANIZATION; AND REPEALING ALL ORDINANCES IN CONFLICT HEREWITH.

THE BOARD OF SUPERVISORS OF THE COUNTY OF COCHISE DOES ORDAIN:

Section 1. ESTABLISHMENT.

A County Planning and Zoning Commission (hereinafter referred to as the Commission) is hereby established to consult with and advise the Board of Supervisors (hereinafter referred to as the Board) on, matters of planning and zoning for the growth, development, improvement and beautification of the County.

Section 2. MEMBERSHIP.

The membership shall consist of nine members who shall be qualified electors, residents and real property owners appointed by the Board. Three members shall be appointed from each supervisorial district, and not more than one of the three shall be a resident of an incorporated municipality. Any member may be removed by the Board for neglect of duty, inefficiency, or misconduct in office, after a ten-day written notice and hearing thereon. A written statement of the reasons for removal shall be prepared by the Board and filed with the Clerk of the Board.

The Commission Chairman shall notify the Board whenever any member is absent from three consecutive regular meetings; this notification will include a listing of any mitigating circumstances and recommended action.

When a Commissioner moves from the district from which appointed, that office shall at once become vacant.

Section 3. TERMS OF MEMBERS.

The terms of the Commissioners shall be four years. Vacancies in any term shall be filled only for the unexpired portion of the term.

Section 4. OFFICERS.

The Commission shall elect a Chairman and Vice-Chairman from among its own members, who shall serve for a term of one year. The County Assessor, County Engineer, the County Planning and Zoning Staff and County Attorney shall serve in an advisory capacity to the Commission.

Section 5. COMPENSATION.

Commission members shall serve as such without compensation, except that they may be reimbursed for actual expenses for travel incurred in connection with duties of their office upon authorization by the Commission and prior approval by the Board.

Section 6. ORGANIZATION AND RULES.

The Commission, at its first meeting of the calendar year, shall elect officers and fix the time and place of regular monthly meetings. A majority of five members of the Commission shall constitute a quorum for the transaction of any business or official action including, but not limited to adoption of policy, recommendations, reports or minutes. The Commission shall adopt rules and procedures for the transaction of business, subject to approval by the Board, and shall keep a record of its transactions, findings, recommendations and determinations. A copy of Commission records shall be kept in the Office of the Clerk of the Board, and such records shall be open to public inspection. No member shall act as an agent for or represent anyone on any matter coming before the Commission, Board, County Boards of Adjustment, or municipal bodies within the County pertaining to the use of land and buildings for any purpose, together with any incidental activities associated therewith or on other matters commonly known as "planning and zoning", and no member shall participate in the Commission's discussions, hearings or vote on any matter in which he has a financial or closely related personal interest, whether direct or indirect.

Section 7. REPORTS.

The commission shall submit to the Board such reports as may be requested by the Board.

Section 8. POWERS AND DUTIES.

The Commission is the body that hears and/or acts upon requests to change the use of property when required by the Zoning Regulations. The Commission shall make recommendations to the Board of Supervisors on rezoning and Comprehensive Plan amendments and act on Special Use permit applications. The Commissions powers and duties include:

Review and Approval of Special Uses. Special Uses are activities which, because of their unique characteristics, could potentially generate greater impacts than uses permitted by right in a zoning district. Due to these greater impacts, Special Uses are not granted as a matter of course but must be reviewed and approved by the Planning and Zoning Commission at a public hearing. If approved, the Special Use Permit allows only the specific use requested by the Applicant in addition to any other uses permitted by right. A Special Use is different than a rezoning. A rezoning is a legislative act that allows a range of uses permitted in the specific district. . Each zoning district also allows a number of land use categories allowed by special use.

RV parks, golf courses, air strips and shooting ranges are among the land uses that can be considered as Special Uses.

Standards such as structure height, screening, paving and setbacks apply to Special Uses as they do to all permitted uses. As part of the Special Use process, the Commission is empowered to modify or waive these standards or add standards as appropriate. Additional requirements related to public health, safety and welfare can be imposed by the Commission as conditions of the Special Use Permit. The decision of the Planning and Zoning Commission is deemed to be final County action on the issue unless that decision is appealed to the Board of Supervisors within 15 calendar days following the date of decision. An appeal may be filed by the applicant, by any other person aggrieved in any manner by the decision, or by the Zoning Inspector, if the Inspector believes an error was made.

Review of Changes in Zoning. A change to the Cochise County Zoning District Boundaries is a legislative act which requires two public hearings. The first of these is before the Planning and Zoning Commission which will then make recommendation to the Board of Supervisors. Final approval can then be made by the Board of Supervisors, following the second public hearing. All rezoning requests are evaluated by the County based on how the newly proposed zoning district complies with certain criteria – such as the size of the parcel being able to comply with site development standards, adequate services and infrastructure, compatibility with existing development and public input. A list of the criteria is provided with each application. No rezoning proposal can be processed unless it is in conformance with the Comprehensive Plan Designation and Growth Area. If not, then it will be necessary to also request a change in the Comprehensive Plan.

Review of Changes to the Cochise County Comprehensive Plan. Comprehensive Plan policy amendments, changes to the growth category or plan designations or Growth Category designations or Plan adoptions, amendments or extensions may be heard by the Planning and Zoning Commission. This may result from either application by interested persons or upon its own initiative. The County Planning and Zoning Commission and the Board of Supervisors, by State Statute, will review the entire Plan every ten years, or more frequently as needed. If a private person or persons seeks to amend the Plan, they can submit the application to amend the Comprehensive Plan. Note that if the proposed amendment would result in an increase in the potential densities or intensities of uses for an area of two thousand (2,000) acres or more, the application can be accepted by the Planning and Zoning Department for consideration only from January 1 to the last business day in August of any year. All major amendments will be considered at a single public hearing by the Board of Supervisors in December.

Review of Proposed Subdivisions. The Planning Commission reviews and makes recommendations to the Board of Supervisors on proposed subdivision plats.

Their task is to ensure that the plat conforms to the Subdivision Regulations. The Commission makes recommendations for final approval on subdivision plats to the Board of Supervisors.

Review of Proposed Changes to Zoning Regulations. The Commission works with the County Planning and Zoning Staff to review any proposed changes to the Zoning Regulations. Recommended changes are forwarded to the Board of Supervisors for approval.

Conduct of Special Studies. The Commission may undertake and carry out comprehensive studies and surveys of physical, social and economic conditions of the County as may be necessary to continuously advise the Board on matters of planning and zoning for the growth, development, improvement and beautification of the County. It shall consider present conditions, problems and potential and desirable changes in the urban, suburban and rural areas of the County and recommend to the Board, programs, plans, standards, administrative procedures, and means of coordination with municipalities and other governmental agencies.

Section 9. COCHISE COUNTY COMPREHENSIVE PLAN.

The Comprehensive Plan shall contain a statement of goals and policies for growth, development, improvement and beautification of the unincorporated areas of the County; a statement of assumptions and projections of change which may occur during the next ten to twenty years; a plan for land use, highway and other transportation facilities, and for the location and extent of community facilities; and general recommendations for implementing the County Development Plan.

Section 10. SEVERABILITY.

If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held to be invalid or unconstitutional by the decision of any Court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The Board of Supervisors hereby declares that it would have adopted this Ordinance and each section, subsection, sentence, clause, phrase or portion thereof, irrespective of the fact that anyone or more sections, subsections, clauses, phrases or portions be declared invalid or unconstitutional.

Section 11. REPEAL.

All Ordinances or parts of Ordinances in conflict or inconsistent with the provisions of this Ordinance are hereby repealed.

PASSED AND ADOPTED this 13th day of March, 2012 of by the Board of Supervisors of the County of Cochise, Arizona.

COCHISE COUNTY BOARD OF SUPERVISORS

By: 
Richard R. Searle, Chairman