ARTICLE 16

Reserved for Future Amendments

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 ~~for~~ that carry into effect the provisions of these 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, provided that the discontinued use was established through the permitting process, and that no new construction is proposed. A developer shall not circumvent the ~~permit~~ requirements of this article~~section~~ by making improvements, repairs or alterations which constitute a complete unit through piecemeal or phased construction with the intent to avoid these permit requirements.

a) Exception. Notwithstanding anything else in these Zoning Regulations to the contrary, no use or building permit shall be required for any use that meets the definition of On-site Agricultural Processing Service.

***List Of Exemptions From Permit Requirements For Single Family Residential Dwellings Only**

A. Re-roofing (when no structural changes are ~~required~~ 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 ~~water closets~~toilet, tub, sink, garbage disposal, water heater, or faucets.
G. Replacing existing appliances or internal light fixtures.
H. Replacing 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, exempt up to three feet high on corner lots.
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:~~ to~~ 1.
~~T.~~U. Recycling drop-off receptacles.

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 section 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 ~~Section~~Article 20~~02~~ which require review by the Health or Highway and Floodplain Department shall be required to file for an Informational Permit pursuant to ~~Article 17~~this Article.

1704.05 Uses determined to be exempt under ~~Section~~Article 20~~02~~ which require review pursuant to ~~ARS 28-8481~~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 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 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 R18-9-A312 (C);
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 AAC R-18-9-A309 (B) (2).

1705.08 If the application is for a non-residential use or multiple-household use greater than two (2) units, a minimum of ~~6~~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 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 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 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 can-not be extended per ACC R-18-9-A301 (D) (1) (e).(i)). The request for the extension must be in writing and include the parcel number, reason for the request, construction completion schedule, ~~a photograph of~~

~~the project,~~ 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 ~~Amendments~~Revisions to Building Permits

~~Amendments~~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 ~~amendments~~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 ~~amendments~~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 ~~Section~~Article 6~~05.06~~ and all applicable standards for accessory structures.

~~On or after August 5, 2005, n~~No new building permits will be issued for the installation of a "mobile home", unless rehabilitated as defined in Article 2, "mobile homes 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 regulations for the continuation of a nonconforming use are met. (See ~~§ 2003~~Article 20).

1713 Misrepresentations

The County Zoning Inspector may revoke any building/use permit issued, including home occupations 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 reduction 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 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 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 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 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.

C. The 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 Zoning Inspector and the appeal deadline (see Article 21 and Section 2103).

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.

1715.08 Substandard Lots

For those substandard lots not permitted with a Lot Modification, the Boards of Adjustment may grant Variances from minimum site area only if "peculiar circumstances" exist through no fault of the Applicant. Variances from minimum lot sizes for existing substandard lots are not intended as an alternative to rezoning, as Variances do not change existing zoning. Therefore, Variances from minimum lot sizes for substandard lots do not permit uses other than those already allowed under existing zoning.

If a lot is split below the minimum permitted lot size without prior approval, it is considered a substandard lot for permit review purposes. Lots split below the minimum size by a previous owner are not subject to these requirements. If a parcel is not on a public water system, splits below 1-acre requiring both a well and septic system will be denied based on Arizona Administrative Code.

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 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 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 ~~great~~ 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 warrant more consideration than ~~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 be ~~harmonious~~ 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 ~~Section 102B3 (a-g) of~~ 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 ~~waivers requested~~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 or regulations in ~~Section 102E of~~ 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 ~~Planning~~Community Development Department, the applicant shall notify property owners, homeowners' and community associations in accordance with the Citizen Review Process specified in ~~Section~~ Article 22~~03~~.

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 ~~Section~~Article 22~~03~~, the required fee as provided for in the adopted Planning and Zoning Fee Schedule, and a concept plan. The concept plan shall be submitted and reviewed by the Commission as a means to determine whether the special use request will able to meet the essential site development standards set forth in these Regulations. Note: Any anticipated waivers of the site development standards, such as setbacks, screening, etc., must be requested, justified and approved by the 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 ~~Planning~~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 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, feedlots, dairies, or electric generation plants, then notification by the 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 Regulations are considered applicable unless modified by the Planning and Zoning 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 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 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 ~~Section~~this Article ~~1705~~, in substantial conformance with the approved concept plan and modifications, and accompanied by any additional documentation required by the 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 ~~Section~~this Article ~~1716~~ 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 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 ~~Section~~Article 17~~16.05~~.

H. Should the Special Use not be in compliance at any time with any of the conditions specified by the 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 Permit 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~~RS 15-189.01~~.

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 suppliedy by the Community Development Department and shall include all information required for processing a building or use permit, accompanied by the fee.

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 and Zoning 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 and Zoning 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 and Zoning 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 ~~z~~Zoning ~~i~~Inspector if no written protest is received or if the application has been approved by the 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:

~~1~~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

~~2~~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 ~~Chapter 34, Title 13, "Drug Offenses,"~~ or

2. The judge or 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 ~~Section~~Article 18~~04.05~~, this use shall be considered a single-household dwelling for the purposes of all ~~county planning and zoning~~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 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 and Zoning 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 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; 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 or Security Dwelling

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. 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.

2. 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 PD-1 Zoning 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 7-consecutive days, plus an additional 4-days for set-up and dismantling, within any 3-month period.

4. Maximum length of a temporary use permit for special events within community parks, community centers and schools, but not customarily accessory to a community park, community center, or school, shall be 7-days, plus an additional 4-days for set-up and dismantling, within any 30-day period.

5. 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.

6. Longer events of public interest up to 6-consecutive weeks within a 6-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. Events occurring in and customarily accessory to community parks, community centers, and schools.

I. 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 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 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 and Section 1809.

1802.12 Outdoor Lighting, see Section 1810.

1802.13 Outdoor Storage, see Section 1811.

1802.14 Mobile Home, Manufactured Home and Recreational Vehicle Parks, see Section 1812.

1802.15 Wireless Communications Facilities, see Section 1813.

1802.16 ~~Residential Minor Expedited Subdivision and Conservation Subdivision Options, see~~ Section 1814 reserved for future use.

1802.17 Keeping of Livestock, see Section 1815.

1802.18 Swimming Pools, see Section 1816.

~~1802.19 Temporary Uses, see Section 1817.~~

1802.~~20~~19 Golf Courses, see Section ~~1818~~1817.

1802.20~~21~~ Land Clearing, see Section ~~1819~~1818.

1802.21~~2~~ Water Conservation Measures, see Section ~~1820~~1819.

1802.22~~3~~ Human Remains Protection, see Section 1820~~1~~.

1802.23~~4~~ Wind Energy Systems, see Section ~~1822~~1821.

1802.24~~5~~ Wind Energy Power Plants, see Section 1823~~2~~.

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 the definition)

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 3-feet over any required setback area, provided they are not closer than 2-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 5-feet into the required setback area, provided they are not closer than 2-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 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.

1804.03 Methods of Providing Required Off-Street Parking

Subject to location requirements under Subsection 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 2-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 2-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 no longer available, 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 1804.0~~8~~9 (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 (½) shall be disregarded, and any fraction of one-half (½) 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	~~1.5~~2-per dwelling unit
Group Quarters	1-per five-beds
Recreational Vehicle Parks	1-per dwelling unit
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	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 1.0 per employee on largest working shift
Impound Storage Yards	1-plus 1-per employee of largest working shift.
Unmanned Facilities	12-foot wide driveway with one 9-foot by 19-foot unimproved parking space

EDUCATION/PUBLIC ASSEMBLY	
Educational Services: Grades K-8	1.5-per classroom
Educational Services: Grades 9-12	4.5-per classroom
Educational Services: College and Vocational Schools	12-per classroom
Educational Services: 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 and Nature Exhibits	1-per 500-square feet of gross floor area and exterior exhibit area
Indoor and Outdoor Recreational Facilities	1.0-per 5-fixed seats or 1.0-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 than 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 6-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'-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 ~~U~~unmanned ~~U~~utility ~~F~~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 1804.0~~8~~9 herein. A 2-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 6-months from the date of building permit issuance for the expansion.

C. Category B (Community Growth) Areas

~~1.~~ 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. It shall be properly drained to prevent impoundment of surface water and shall conform to the design standards of Section 1804.09.

~~2.~~ A 2" 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 6 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 2-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.

1804.09 Parking Area Design Standards

Except as otherwise specified herein, every required off-street parking space shall have a minimum width of 9-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 3-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 9-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 4-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 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 at least 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.

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 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 6" above the grade.

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 Plan 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 5-percent of the total developed area of a site. The landscaping shall be integrated into the developed area and shall include a minimum 5-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 of these Regulations.

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 5-gallons in size or comparable height if bare root at planting time.

D. Shrubbery used for required landscaping shall be a minimum of 1-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 landscaping shall comply with applicable provisions of Section ~~1820~~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 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 article.

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 6-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

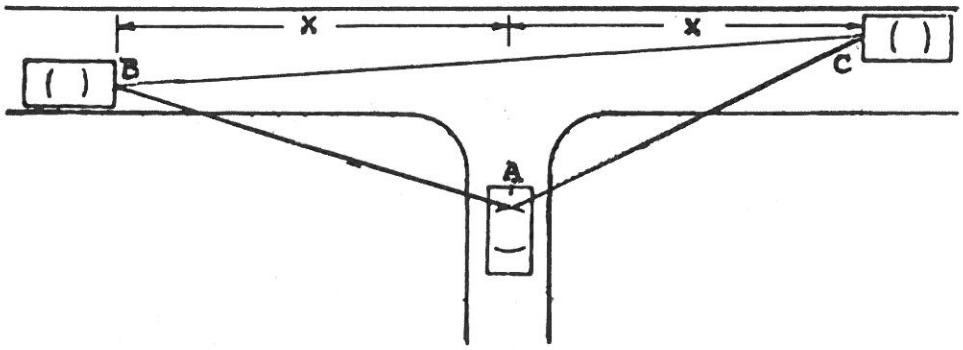
A. Purpose

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 3-feet and 8-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 DISTANCE (X) 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: ~~e~~Eye level from a vehicle 3-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: ~~p~~Points of the centerline of the through street.

X: ~~t~~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 Outdoor Lighting Standards

1810.01 Purpose

Outdoor lighting regulations are designed to prevent safety hazards and nuisances to surrounding properties and public rights-of-way caused by the improper installation and placement of outdoor light fixtures, and to promote the purpose of the Cochise County Light Pollution Code.

1810.02 Compliance With Light Pollution Code

Installation of all outdoor lighting fixtures shall comply with the standards of the Cochise County Light Pollution Code in addition to any specific requirements set forth within these Regulations. Any light fixture, permit application, or installation of outdoor lighting which does not comply with all aspects of the Cochise County Light Pollution Code shall require a Special Use Permit pursuant to Article 1716.

1810.03 Additional Lighting Requirements

A. Residential Lighting - All on-site residential outdoor light fixtures shall be installed no higher than 20-feet above ground level, except:

1. For residential sites located in the RU, SR and SM Zoning Districts with a minimum required parcel size of 4-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.

2. Lighting for properly approved Outdoor Recreational Facilities shall not exceed 40-feet in height.

3. All residential lighting fixtures shall be shielded in accordance with the Cochise County Light Pollution Code and shall be arranged so as to reflect light away from and prevent glare to adjoining residential properties and public rights-of-way.

B. Non-Residential Sites

1. All outdoor lighting fixtures shall be placed and shielded as necessary so as to reflect light away from adjoining residential sites, and to prevent direct beams of light or glare from interfering with traffic on public rights-of-way.

2. Parking areas used for activities operating during hours of darkness shall be lighted.

3. The overall height of lighting fixtures shall not exceed 30-feet above grade, including base, except:

a. In the GB, LI and HI Zoning Districts, height of lighting fixtures located at least 100-feet from any property line shall not exceed 35-feet in height (including the base).

b. Lighting for Outdoor Recreational Facilities and Outdoor Display Lots shall not exceed 40-feet in height (including the base).

c. Fixtures shall be so constructed and arranged as to reflect light away from any adjacent property. Lighting shall be located and protected as necessary to prevent interference with vehicular traffic."

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 6-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 in Sections 1 through 3 below. Additional amounts of visible outdoor storage are permitted as specified below.

1. Automobiles

a. Category A Areas

~~(1)~~ Licensed and titled automobiles are allowed for personal use.
~~(2)~~ 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 6-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 ~~to~~ 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 Areas for Residentially-Developed Properties

Visible outdoor storage not to exceed 60-square feet in area and 4-feet in height.

2. All Other Plan Areas (Categories B, C and D 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 (1-½)-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 (~~Intensive Growth~~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 7.5-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 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: 8-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.~~, shall be 55-percent of the space and park.~~ The maximum site coverage for recreational areas shall be 75-percent.

1812.06 Screening

A 6-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 ~~Curbs, Gutters, and~~ Sidewalks and Pedestrian Paths

In all Category A and B Growth Areas, 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 the boundaries of 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 show 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 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 5-percent of the gross area of the park. All outdoor park maintenance areas shall be enclosed by a 6-foot high solid screen.

~~1812.15 Recreational Vehicle Spaces in Manufactured or Mobile Home Parks~~

~~The number of spaces designed for recreational vehicles shall not exceed 20 percent of the total number of spaces in the park.~~

1813 Site Development Standards for Wireless 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 and Zoning 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 wireless 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 is 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 wireless communication facilities will be designed by a Registrant licensed by the State of Arizona ~~and manufactured to meet Electronic Industries Association (EIA) engineering standards with regard to deflection and survival specs at full antenna load~~.

B. For towers up to 150'-feet in height, the structure and fenced compound will be designed to accommodate at least two providers.

C. For towers greater than 150-feet in height, the structure and fenced compound will 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 wireless communication equipment on new towers, a certificate, report or plan prepared and stamped by an Arizona-licensed, professional engineer will be provided by the applicant that indicates the equipment and tower will be in compliance with applicable building code requirements, TIA and/or EIA standards.~~

C. Prior to permit issuance for new wireless communication equipment on an existing tower, a certificate, report or plan prepared and stamped by an Arizona-licensed, 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 wireless 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 wireless communication facilities located on the same parcel.

B. In RU and R districts, wireless 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 wireless communication facilities located on the same parcel.

1813.05 Minimum Site Area Requirements

Wireless communication facilities will be exempt from the Zoning Districts' minimum site area requirements.

~~1813.06 Security Fencing/Anti-Climbing Devices~~

~~All wireless communication towers must be enclosed by fencing not less than 6 feet in height and will also be equipped with appropriate anti-climbing devices. Fencing will be of chain link, wood or other approved alternative.~~

1813.0~~7~~6- Maximum Height

In those Zoning Districts where wireless 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.

~~1813.08 Parking~~

~~Site must be able to accommodate off-street parking so as not to impede rights-of-way.~~

1813.0~~9~~7 Noise or Vibration

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

1813.08~~10~~- Removal of Abandoned Wireless 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 ~~Section~~Article 20~~02~~ of these Zoning Regulations or the Arizona Revised Statutes.

1815.03 Stables/barns (both enclosed and unenclosed), ~~barns (if housing livestock)~~ 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.

1815.0~~4~~5 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 7-feet to any property line. Every swimming pool shall demonstrate compliance with Arizona. Revised. Statues. 36-1681 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 5-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 ArticleSection 18201819, herein.

1817 Temporary Uses

The following regulations shall govern the operation of certain transitory or seasonal uses:

1817.01 Permits

Application for a temporary use permit shall be made to the County Zoning Inspector; 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.

1817.02 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.

1817.03 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 or Security Dwelling

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. 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.~~

~~4. 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. A carnival or circus may be granted a temporary permit within PD-1 Zoning Districts only in those areas designated on approved plans as commercial centers.~~

~~2. Maximum length of permit shall be 15-days. Permittee may obtain a temporary use permit for up to 3 different sites on the same temporary use permit application.~~

~~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 MH, and RU districts in Neighborhood Conservation or Neighborhood Rehabilitation plan designations. Christmas tree sales are permitted in PD-1 Zoning 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 7-consecutive days, plus an additional 4-days for set-up and dismantling, within any 3-month period.

4. Maximum length of a temporary use permit for special events within community parks, community centers and schools, but not customarily accessory to a community park, community center, or school, shall be 7-days, plus an additional 4-days for set-up and dismantling, within any 30-day period.

5. 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.

6. Longer events of public interest up to 6-consecutive weeks within a 6-month period may be allowed, subject to approval by the Board of Supervisors. Upon receipt of a completed application, the Planning DirectorCounty 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.

~~1817.04 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. Events occurring in and customarily accessory to community parks, community centers, and schools.~~

~~I. Customarily accessory indoor events in permitted non-residential facilities with no significant off-site impacts.~~

~~1818~~1817 Golf Courses

~~1818~~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 (5)-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 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. 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.

~~1818~~1817.02 Golf Course Landscaping

A. 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 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.

B. Fairways are not required to be screened adjacent to residentially zoned and developed properties.

18189 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).

1820~~1~~819 Water Conservation Measures

1820~~1~~819.01 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 that the pool shall be covered when not in use.

B. When urinals are installed they must be waterless. ~~For all projects which require urinals pursuant to Arizona State Plumbing Code (currently Appendix C of the 1994 Uniform Plumbing Code), or County Health Department requirements, the required urinals shall be waterless urinals.~~ This regulation is applicable to new construction only. Single and multiple family dwellings are exempt.

C. For all non-residential projects either requiring landscaping pursuant to Article 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, 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 Zoning Inspector, shall be planted and maintained on any such site.

3. The 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 ~~1818~~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.

1820~~1~~819.02 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-Wwatershed, 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. 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. Recirculation devices shall include timers, temperature sensors or remote control operation. Point of use hot water heaters that serve individual fixtures or other alternatives that deliver hot water at each fixture within a waiting period of 15- seconds or less are acceptable.

B. 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 grayest water without compromising the efficient evacuation of the black water pipes.

C. Commercial Laundry Facilities: Laundry facilities intended for public use such as laundromats, hotel guest laundries or multi-family housing laundry rooms will be equipped with high efficiency washing machines that have a water factor of 9.5-gallons per each cubic foot of laundry or less. 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.

D. 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 or permitted swimming pools and spas.

E. 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.

F. 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.

G. Evaporative Coolers: New or replacement evaporative coolers shall not be single-pass coolers.

1820~~1~~ Human Remains Protection

~~Purpose:~~

This section is intended to allow the interment of human remains on private property and to protect human remains, in a 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 humar remains and associated funerary objects on private lands. The provisions of this section do not supersede Federal laws from time to time, apply to human remains and cultural resources on private lands in Arizona.

~~1821~~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, TR, 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 ~~(ARS) Section 36-326~~.

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.

~~1821~~1820.02 Protection of Existing Human Burial Sites and Cemeteries

A. ~~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. ~~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 ~~1821~~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:

1) ~~(1)~~ a County Recorder's Office and land use/permit history records check;
2) ~~(2)~~ a complete records check of files at the ASM and the State Historic Preservation Office (SHPO); and
3) ~~(3)~~ 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-feet~~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 (50) 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 (CZI) shall be authorized by this Section to represent the ASM in all actions described by this Section. The 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 Section 1716 of these Regulations, to allow a Mitigation Plan, approved by ASM or the CZI, 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 and Zoning 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 CZI, 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.

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.

The Burial Agreement should not be signed unless and until the Commission approves the SUP and Mitigation Plan.

2. Burial-in-place. If the Applicant's Mitigation Plan includes burial-in-place, the 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 CZI 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 1821.02 shall apply.

~~18221821~~ Wind Energy Systems and Wind Energy Power Plants

~~Purpose:~~

~~The purpose of this Section is:~~

~~A. To establish site development standards for the permitting, construction, operation and decommissioning of Wind Energy Systems and Wind Energy Power Plants;~~

~~B. To assist grid-connected and off-the-grid property owners in achieving energy independence; and~~

~~C. To help Cochise County participate in achieving renewable energy targets as mandated by the Arizona Corporation Commission's Renewable Energy Standards.*~~

~~** In 2006, the Arizona Corporation Commission voted to require that utilities under its jurisdiction obtain 15% of their electricity from renewable energy sources by 2025.~~

~~The following standards shall apply to the development of Wind Energy Systems:~~

~~18221821.01 Zoning Districts: Zoning Districts:~~

~~Wind Energy Systems are permitted in any Zoning District, subject to applicable site development standards listed below. Wind Energy Power Plants are allowed by Special Use Permit in Rural, Light Industry and Heavy Industry Zoning Districts.~~

~~18221821.02 Density Limits:~~

~~One Wind Turbine shall be permitted on any parcel, or on contiguous parcels under the same ownership, of up to 4-acres in size.~~

~~A. Two Wind Turbines shall be permitted on parcels larger than 4-acres.~~

B. Proposals for more than two Wind Turbines on parcels larger than 4-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 (see diagram).

18221821.03 Height Limits:

A. Wind Turbines up to 45-feet in height are allowed as accessory structures on any parcel, provided that the all site development standards can be met.

B. 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 Section 2203. 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 and Zoning 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.

18221821.04 Setbacks:

Setbacks shall be equal to the height of the structure with turbine blades fully extended for free-standing Wind Turbine, 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 Commission modification.

18221821.05 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.

18221821.06 Construction:

Building permits are required for all Wind Energy System installations.

18221821.07 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.

18221821.08 Lighting:

Light fixtures or illumination of any kind shall not be allowed on Wind Energy Systems except as required by the Federal Aviation Administration.

18221821.09 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.

182318222.10 Wind Energy Power Plants:

Wind Energy Systems constructed for the primary purpose of providing electricity to off-site consumers shall be considered Wind Energy Power Plants, and shall be allowed only in Rural, Light Industry and/or Heavy Industry Zoning Districts 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.

1823 Solar Energy Systems and Solar Energy Power Plants

Purpose:

The purpose of this section is:

A. To establish development standards to facilitate permitting, installation, construction and operation of residential-scale and utility-scale solar energy facilities subject to reasonable restrictions, which intend to preserve public health, safety and environmental quality;

B. To encourage responsible solar energy development in Cochise County;

C. To encourage grid-connected and off-grid property owners in achieving energy independence; and

To help Cochise County participate in achieving State-mandated renewable energy portfolio standard targets.

1823.01 Solar Energy Systems

Solar Energy Systems shall be constructed for the purpose of providing electricity primarily for on-site use only. Installations constructed for the purpose of providing electricity to off-site consumers shall be considered Solar Energy Power Plants. Solar panels under six-square feet in size are exempt under this definition to allow for solar-powered driveway lights, parking meters, lighted signs, etc.

The following standards shall apply to the development of Solar Energy Systems:

1823.02 Zoning Districts:

Solar Energy Systems are permitted as Accessory Uses in all Zoning Districts (save for the PD; Planned Development Zoning Districts, where they are Permitted Uses).

1823.03 Parcel Size:

Solar Energy Systems shall be permitted on all parcels regardless of size, provided that all applicable site development standards can be met.

1823.04 Height:

Solar Energy Systems are exempt from height limits, per Section 2002.03Article 20 (Height Exceptions) of the Zoning Regulations.

1823.05 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.

1823.06 Distances Between Structures:

There shall be no minimum distance required between Solar Energy System components or design features and other structures on a property.

1823.07 Construction:

A. Building permits are required for all Solar Energy Systems and Solar Energy Power Plants. Permits for Solar Energy Systems may be expedited; however, due to rapidly changing technologies that may be unfamiliar, longer review times may be necessary. Solar Energy Power Plant permit applications require more detailed plan review.

B. All Solar Energy Systems and Solar Energy Power Plants must comply with the prescriptive requirements of the National Electric Code (NEC). The Building Official may require additional engineering for rooftop photovoltaic (PV) panels.

C. If the system is to be grid-connected, copies of an approved interconnect agreement with the power company and proof of construction by a licensed contractor is required prior to the issuance of a Certificate of Occupancy. For off-grid or battery systems, construction by a licensed contractor is encouraged, but not required.

1824 Solar Energy Power Plants

Solar energy projects constructed primarily for the purpose of providing electricity to off-site consumers shall be considered Solar Energy Power Plants and shall be allowed in the RU (Rural) Districts (in Category D Areas and by Special Use Permit only). Furthermore, Solar Energy Power Plants are allowed in the GB (General Business), LI (Light Industry) and the HI (Heavy Industry) Districts by Special Use Permit only and may be approved as part of a PD (Planned Development) or MDP (Master Development Plan). 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 standards shall apply to the development 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 Section 2002.03Article 20 (Height Exceptions) of the Zoning Regulations.

1824.03 Setbacks:

Setbacks from all property boundaries and road travel ways 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 Distances Between Structures:

There shall be no minimum distance required between Solar Energy Power Plant components.

1821 Wind Energy Systems

Purpose:

The purpose of this Section is:

To establish site development standards for the permitting, construction, operation and decommissioning of Wind Energy Systems and Wind Energy Power Plants;

To assist grid-connected and off-the-grid property owners in achieving energy independence; and

To help Cochise County participate in achieving renewable energy targets as mandated by the Arizona Corporation Commission's Renewable Energy Standards.

The following site development standards shall apply to the for the permitting, construction, operation and decommissioning of Wind Energy Systemsdevelopment 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 4-acres in size.

A. Two Wind Turbines shall be permitted on parcels larger than 4-acres.

B. Proposals for more than two Wind Turbines on parcels larger than 4-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 (see diagram).

1821.03 Height Limits:

A. 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.

B. 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 Section 2203. 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 and Zoning 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 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 ~~Wind Energy Systems~~ constructed for the primary purpose of providing electricity to off-site consumers ~~shall be considered Wind Energy Power Plants, and~~ and shall be allowed only in Rural, Light Industry and/or Heavy Industry Zoning Districts 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 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. This does not include manufacturer's logos which may be part of the system when purchased.

1823 Solar Energy Systems

~~Purpose:~~

The following site development standards shall apply for the permitting, construction and operation of Solar Energy Systems:
~~The purpose of this section is:~~

~~To establish development standards to facilitate permitting, installation, construction and operation of residential-scale and utility-scale solar energy facilities subject to reasonable restrictions, which intend to preserve public health, safety and environmental quality;~~

~~To encourage responsible solar energy development in Cochise County;~~

~~To encourage grid-connected and off-grid property owners in achieving energy independence; and~~

~~To help Cochise County participate in achieving renewable energy targets as mandated by the Arizona Corporation Commission's Renewable Energy Standards~~

~~The following standards shall apply to the development of Solar Energy Systems:~~

1823.01 Zoning Districts:

Solar Energy Systems are permitted as Accessory Uses in all Zoning Districts.

1823.03 Parcel Size:

Solar Energy Systems shall be permitted on all parcels regardless of size, provided that all applicable site development standards can be met.

1823.04 Height:

Solar Energy Systems are exempt from height limits, per Article 20 (Height Exceptions) of the Zoning Regulations.

1823.05 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.

1823.06 Distance~~s~~ Between Structures:

There shall be no minimum distance required between Solar Energy System components or design features and other structures on a property.

1823.07 Construction:

Building permits are required for all Solar Energy Systems. Permits for Solar Energy Systems may be expedited; however, due to rapidly changing technologies that may be unfamiliar, longer review times may be necessary. Solar panels under six-square feet in size are exempt under this definition to allow for solar-powered driveway lights, parking meters, lighted signs, etc.

A. 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.

B. If the system is to be grid-connected, proof of construction by a licensed contractor is required prior to the issuance of a Certificate of Occupancy. For off-grid or battery systems, construction by a licensed contractor is encouraged, but not required.

1824 Solar Energy Power Plants

Solar eEnergy projectsPower Plants are constructed primarily for the purpose of providing electricity to off-site consumers-, and shall be considered Solar Energy Power Plants and shall be allowed in the RU (Rural) Districts (in Category D Areas), and by Special Use Permit only). Furthermore, Solar Energy Power Plants are allowed in the GB (General Business), LI (Light Industry) and the HI (Heavy Industry) Districts by Special Use Permit only and may be approved as part of a PD (Planned Development) or MDP (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:
The following standards shall apply to the development 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 travel ways 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 Distances Between Structures:

There shall be no minimum distance required between Solar Energy Power Plant components.

1824.05 Construction1824.05 Construction:

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). Solar Energy Power Plant permit applications typically require more detailed plan review than permits for Solar Energy Systems.

1825 Medical Marijuana Uses

Purpose:
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 and Medical Marijuana Infusion Facilities are allowed by Special Use Permit in the Rural (RU-4, RU-10, RU-18, RU-36), General Business, and Light and Heavy Industry Zoning Districts. Medical Marijuana Cultivation Facilities are allowed by Special Use Permit in the Rural (RU-4, RU-10, RU-18, RU-36), General Business, Light Industry and Heavy Industry Zoning Districts.

1825.02- Setbacks:

Minimum setbacks for dispensaries, infusion facilities, onsite dispensary cultivation and offsite 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 have been replaced in their entirety.

Description	Section
Purpose	1901
Administrative Procedures and Requirements	1902
General Regulations	1903
Sign Structural Type	1904
Measurement of Signs	1905
Signs Permitted in All Zoning Districts	1906
Additional Permitted Signs by Zoning District	1907
Definitions and General Specifications	1908

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, and preventing adverse impact upon community appearance.

1901.02 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 characters 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;

1901.03 To prevent the obstruction by sign clutter of traffic visibility, traffic signs and signals, neighboring uses and signs, and scenic views. In addition, these Regulations are designed to enhance community appearance by offering incentives for screening of structural supports of signs, and for the reduction of clutter.

1902 Administrative Procedures and Requirements

1902.01 Sign Permits Required

It shall be unlawful for any person, firm or corporation to erect, alter, or relocate within the area of unincorporated Cochise County any sign defined herein without first obtaining a sign permit from the County Zoning Inspector, except that:

A. Minor repairs, maintenance or painting of signs hall 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. Temporary Window Graphics.
7. Contractors' Signs.
8. Developers' Signs.
9. Subdivision Development Signs.
10. Temporary On-Site and Off-Site Special Event Signs.
11. Non-illuminated wall signs to a maximum of 50 square feet.

1902.02 Application for Permit

Applications for sign permits shall be filed with the County Zoning Inspector and shall include:

A. Two site plans indicating the following:

1. All parcel boundaries with accurate dimensions;
2. Location and name of all adjacent streets and rights-of-way; and
3. Position of sign in relation to all parcel boundaries, nearby buildings and structures, and existing signs.

B. Two copies of construction plans.

C. Plans showing method of attachment to the ground or structure, location and type of any illumination.

D. Name of person or firm erecting the sign.

E. Type of sign and/or copy to be placed on sign.

F. Type(s) and size(s) of existing sign(s) on the property.

G. Fees in accordance with the adopted Planning & Zoning Fee Schedule.

1902.03 Issuance of Permit

The County Zoning Inspector shall complete an examination of the sign permit application upon

submittal of the required fee and a complete application in conformance with all provisions of section 1902.02. Provided the Zoning Inspector finds that the proposed sign complies with all provisions of these Zoning Regulations and with all other ordinances of Cochise County, he shall issue a sign permit promptly upon completion of that examination.

1902.04 Expiration of Permit

Any sign permit shall become null and void if the improvement for which issued has not substantially begun within 24 months after issuance of that permit per Section 1709 of these Regulations.

1902.05 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.

1902.06 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 right-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 3 feet in height shall be erected within the sight triangles described in Article 18.

1903.03 No free-standing sign shall be located closer than 10 feet to a public right-of-way.

1903.04 All illuminated signs shall conform with the provisions of the Cochise County Light Pollution Code, 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 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. However, electronic time and temperature signs and change panels with non-moving messages may be included as a part of permitted.

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 6 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 6 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 and shall contain only commemorative information identifying: the structure to which it is attached by name, logo, or original purpose; the date of construction and the name of the builder, owner, or architect; or reading matter commemorating a person or event. It shall not be used to identify or advertise goods or services available on the premises.

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 ~~1904~~, are permitted subject to the requirements and restrictions of these Regulations:

1904.01 Wall Sign (including fascia signs)

1904.02 Projecting Sign

1904.03 Roof Sign

1904.04 Ground (or Free-Standing)

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 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 ~~IDENTIFICATION SIGNS~~, One per street frontage.

1. Permitted Structural Type: Wall or Ground

2. Maximum Height and Area of Ground Signs:

Street Classification	Maximum Area	Max. Height of Ground Signs
Local	.25 square foot per lineal foot of street frontage where the sign faces to a maximum of 32 square feet	6 feet

Collector	.5 square foot per lineal foot of street frontage where the sign faces to a maximum of 32 square feet	8 feet
Arterial	1 square foot per lineal foot of street frontage where the sign faces to a maximum of 64 square feet.	12 feet

3. Maximum Area, Wall Signs: Same as ground signs above, Section 1907.01.A.2.

4. Illumination: Permitted

1907.02 Permitted Signs, GB, LI, HI and RU Zoning Districts

In addition to those signs listed in Section 1906, the following signs are permitted in GB, LI, HI and RU zoning districts, provided that the maximum aggregate area of all signs on a given site shall be 2 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, 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. Maximum Height and Area of Individual 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	6 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	1 square foot per lineal foot of street frontage where the sign faces to a maximum of 80 square feet	24 feet above grade

3. Maximum Area of Wall Signs, Projecting Signs and Roof Signs: Same as Maximum area of ground signs above.

4. Illumination: Permitted

B. 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

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	6 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	1 square foot per lineal foot of street frontage where the sign faces to a maximum of 80 square feet	24 feet above grade

2.

Maximum Area: 1 square foot per lineal foot of street frontage

3. Maximum Height: 24 feet above grade

4. Illumination: Permitted

C. BILLBOARDS; shall be permitted only if approved as special uses, in a GB, LI, or HI zoning district, subject to all regulations included in Section 1908.01, and provided that a maximum aggregate sign area of 2 square feet per lineal foot of street frontage is not exceeded.

D. ON-SITE SPECIAL EVENT SIGNS; no permit required

E. 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 ~~Section 1508~~). The written request for waiver shall be accompanied by:

1. All plans and information listed in Section 1902.02 ~~(A and B)~~ herein;

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 and is considered a principal use. Billboards shall maintain the following setbacks and separation requirements:

Zoning Districts allowed:	Special Use Permit required in GB, LI, and HI
Permitted 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 free-standing 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
Maximum area:	15-square feet
Maximum Height:	6-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 ten days after completion of work or upon expiration of building permit.

Zoning Districts:	All
Structural Type:	Wall or Ground
Maximum area*:	RU, SR, SM, R, MR, NB, PD Zoning Districts: 6-square feet. GB, LI and HI Zoning Districts: 15-square feet
Maximum Height:	RU, SR, SM, R, MR, NB, PD Zoning Districts: 4-feet. GB, , LI, 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 100 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
Maximum area:	RU, SR, SM, R, MR, NB, PD-1 Zoning Districts: 15-square feet. GB, PD-2, LI, HI Zoning Districts: 50-square feet on a parcel with existing structures; 100-square feet on an undeveloped parcel.
Maximum Height:	RU, SR, SM, R, MR, NB, PD-1 Zoning Districts - 6 feet. GB, PD-2, LI, HI Zoning Districts - 12 feet
Illumination:	None

1908.05 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
Maximum area:	Residential & PD-1 Zoning Districts- 15 square feet. All other Zoning Districts – 32 square feet.
Maximum Height:	Residential Zoning Districts - 6 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 1/2 mile of the turn-off referenced.

1908.06 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, HI
Structural Type:	Ground

Maximum area:	1 square foot per lineal foot of street frontage
Maximum Height:	24 feet above grade
Illumination:	Permitted

1908.07 Double-Face Sign

A sign having 2 copy areas, only one of which can be seen, either in whole or in part, from any given point on the ground.

1908.08 Fascia

A horizontal band covering the joint between the top of a wall and the projecting eaves.

1908.09 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.

1908.10 Home Occupation Sign; no permit required

A sign identifying an approved home occupation on the premises.

Zoning Districts:	All except LI & HI
Structural Type:	Wall or Ground Sign
Maximum Area:	4 square feet
Illumination:	None

1908.11 Illumination

For the purpose of these Regulations, illumination means a shielded light source, 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 the Cochise County Light Pollution Code, and shall not include any exposed light source.

1908.12 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.

1908.13 Multi-Prism Sign

A sign made with a series of triangular vertical sections that turn and stop, or index, to show 3 pictures or messages in the same area, only one message being visible at any moment. Rotation shall not exceed 6 revolutions per minute.

1908.14 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 Signs
Maximum area:	1 square foot

Maximum Height: (Ground Sign)	2.5 feet
Illumination:	Permitted

1908.15 Off-Site Permanent Sign

A sign which is not appurtenant to the use of the property where the sign is located.

Zoning Districts:	RU (Special Use Permit), GB, LI, HI
Structural Type:	GB, LI, and HI Zoning Districts - See Section 1907.02
Maximum Area:	GB, LI, and HI Zoning Districts - See Section 1907.02
Maximum Height:	GB, LI, and HI Zoning Districts - See Section 1907.02
Illumination:	Permitted

1908.16 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, HI
Structural Type:	Wall (including window graphics) or Ground
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:	8 feet
Illumination:	Permitted
Maximum Number:	2 per Calendar Year

1908.17 On-Site Permanent Sign

A sign which directs attention to a business, profession, or activity conducted on the premises on which the sign is located. (May include public service displays of time and temperatures.) 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, and may not occupy more than 50 percent of the sign face. 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. On-site permanent signs are permitted in GB, LI, and HI zoning districts, subject to individual zoning district specifications.

Zoning Districts:	GB, LI, HI
Structural Type:	See Section 1907.02
Maximum area:	See Section 1907.02
Maximum Height:	See Section 1907.02
Illumination:	Permitted

1908.18 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 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 (one per street frontage), GB, LI, HI
Structural Type:	Wall or Ground
Maximum area:	15 square feet, except that the Maximum area of Grand Opening Signs be 2 square feet per lineal foot of building frontage.
Maximum Height: (Ground Sign)	8 feet
Illumination:	Permitted
Maximum Number:	1 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.)

1908.19 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 15 days following the final election for that candidate or issue.

Zoning Districts:	All
Structural Type:	Not specified
Maximum area:	None
Maximum Height:	None
Illumination:	Permitted

1908.20 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 5 feet from the supporting wall. Every projecting sign shall have a minimum clearance of 8 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.

1908.21 Real Estate Sign; no permit required

A temporary sign advertising the premises for lease, rent, or sale. A real estate sign shall not include advertising or information not specifically related to the lease, rent, or sale of the premises on which the sign is located. Real estate signs shall be removed within ten days following lease, rent, or sale of the premises.

Zoning Districts:	All
Structural Type:	Wall or Ground
Maximum Area*:	RU, SR, SM, R, MR, NB, PD-1 Zoning Districts - 6 square feet. GB Zoning Districts – 15 square feet. PD-2, LI, HI Zoning Districts - 50 square feet on a developed parcel or 100 square feet on an undeveloped parcel (Where the premises for lease, rent, or sale occupy only 60 feet or less of collector or arterial street frontage, the sign shall not exceed 15 square feet).
Maximum Height:	RU, SR, SM, R, MR, NB, PD-1 Zoning Districts - 4 feet.
(Ground Sign)	PD-2, GB, LI, 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 100 square feet.

1908.22 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.

1908.23 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.

1908.24 Sign Face

The entire area of a sign on which copy could be placed.

1908.25 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.

1908.26 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 3 signs per street frontage)
Structural Type:	Wall or Ground
Maximum area:	50 square feet
Maximum Height:	12 feet
Illumination:	None
Minimum Spacing:	330 apart and 100 feet from any adjoining property

1908.27 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 Zoning Inspector.

Zoning Districts:	All
Maximum area:	Subject to the approval by the Zoning Inspector
Maximum Height:	Subject to the approval by the Zoning Inspector
Illumination:	Permitted

1908.28 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 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.

Permit requirements for temporary signs are included in Section 1902.

1908.29 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 Free-Standing
Maximum area:	GB, LI, HI Zoning Districts - 6 square feet. All Other Zoning District - 2 square feet
Maximum Height: (Ground Sign)	3 feet
Illumination:	Permitted
Maximum Number:	1 per entrance, exit, and/or turning point

1908.30 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.

1908.31 Window Graphic; 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.

Permanent window graphics shall be calculated in the maximum aggregate sign area for the site and shall require a permit. 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.

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 as 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~~5~~ or more contiguous commercial acres, as provided by ~~the ARS~~Arizona Revised Statutes ~~§11-830~~. 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 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 Regulations.

B. Uses determined to be exempt under this section which requires 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 ARS 28-8481, (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 ARS 28-8481), are not exempt from the noise reduction levels required for the design and construction of new residential buildings or expansions of residential buildings as set forth in ARS 28-8481 and other possible prohibitions on construction as set forth in that statute.

2002.02 Essential Services Exemptions

Although these uses are exempt from the Zoning Regulations, these uses may be subject to other governmental regulations adopted by Cochise County and other governmental agencies. 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, wireless communication equipment, and wireless 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 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) and special districts such as drainage, flood control, irrigation, fire, school 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 Zoning Inspector that the proposed use by a public agency meets the intent of an essential governmental service.

D. Uses determined to be exempt under this section which requires review by the Health or Highway and Floodplain Department shall be required to file for an Informational Permit pursuant to Article 17.

E. 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 Regulations shall not apply to the following in any district, provided, however, overlay district height limitations shall apply regardless of these exceptions: chimneys, flagpoles (but not higher than 10-feet above the height limitation for that Zoning District), parapet walls extending not more than 4-feet above the height limit of the building, amateur radio and residential antennas and related structures, private windmills, Wind Energy Systems (See ~~Section~~ 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 regulations, may be continued even though such use does not now conform with 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 ~~(10)~~ 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 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 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 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
~~1.~~2. T~~t~~hat a nonconforming business use may expand if such expansion does not exceed 100-percent of the area of the original business; or
3. T~~t~~hat 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
~~2.~~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 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 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:

Minimum Front or Street Setback: 15-feet

Minimum Setback All Other Sides: 5-feet

Minimum Distance Between Principal Buildings: 7-feet

B. For any nonconforming lot shown on a tentative plat which was approved by the Planning and Zoning 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 Regulations, provided that they shall not be reduced below the minimum distances shown in Section A above.

2003.067 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 and Zoning Commission, and no employee of said 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, 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 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 Zoning Inspector or when the location of any Zoning District boundary is in doubt.

An appeal concerning interpretation or administration of these Regulations may be taken to the Board of Adjustment by any person aggrieved or affected by any decision of the Zoning Inspector. Such appeal shall be taken within 30-days by filing with the Zoning Inspector a notice of appeal specifying the grounds therefore on forms provided by ~~him~~the Inspector. The 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 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 Zoning Inspector which fall within the scope of ~~ARS 11-810~~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 Z~~z~~oning R~~r~~egulations 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 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 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 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 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 Commission on its own motion.

2202 Amendments Initiated by the Board of Supervisors, Planning and Zoning 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, Commission and Planning Director shall follow the procedures set forth in Section 2205 whenever the Board of Supervisors, 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 ~~applicant~~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 ~~applicant~~Applicants to resolve concerns at an early stage of the process; and

3. Facilitate ongoing communication between the ~~applicant~~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 ~~applicant~~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~~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~~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~~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. Sign up 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~~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 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~~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~~Applicant is not the current owner of record of the subject property, the application shall also include:

1. The ~~applicant~~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~~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 ~~ARS Section 33-506.2~~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~~ARS Section 33-506.3~~.

(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~~ARS Section 33-506.1~~.

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 prepared and certified by a registered surveyor or engineer licensed by the State of Arizona 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 (~~Section406~~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 2207) 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~~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 Commission Action on Application

Upon a finding by the ~~Planning~~ Community Development 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~~Applicant prior to the hearing.

2206 Commission Action

Upon receipt of the application, the Community Development ~~Planning~~ Director shall submit it to the Commission for consideration. Prior to reporting to the Board, the 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 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 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, how the real property owners within the zoning area may file approvals or protests of the proposed rezoning, and notification that if 20 percent of the property owners by area and number within the zoning area file protests, an affirmative vote of three-fourths of all members of the board will be required to approve the 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~~ARS §28-8461~~, 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~~ARS §28-8461~~, the 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 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 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 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 ARS Title 19, Chapter 1, Article 4, a decision by the Board involving rezoning of land with 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~~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 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 or SR-174
5. RU-2 or SM-87 or SR-87
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, Section 402, 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 and Zoning 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 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 constitutes factors in favor of the rezoning:

1. The ~~applicant~~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 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~~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 2207.02);

(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~~Applicant has provided adequate information to evaluate the impacts of the rezoning on roads, other infrastructure and public facilities. The ~~applicant~~Applicant must demonstrate that there are adequate provisions to address the impacts identified. The ~~applicant~~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~~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 ~~Section 102B3(a-g) of~~ 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 policies ~~of Section 102E~~ 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~~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~~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~~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 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.

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 Zoning Inspector as a violation subject to a civil penalty as provided by Arizona Revised Statutes, §11-808, 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 June 20, 2008 and remain in full force and effect thereafter.

APPROVED AND ADOPTED BY THE COCHISE COUNTY BOARD OF SUPERVISORS THIS 20th DAY OF MAY 2008 PER RESOLUTION NUMBER 08-31.