2026-06807
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Requested By: BOARD OF SUPERVISORS
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ZONING ORDINANCE 26-09

AN ORDINANCE OF THE BOARD OF SUPERVISORS OF COCHISE COUNTY, ARIZONA, AMENDING SECTIONS 2.03.030, 2.15.070, 2.33.050, 2.36.050, AND 2.39.050 OF THE COCHISE COUNTY ZONING REGULATIONS AND ADOPTING NEW SECTION 2.51.040 REGARDING DATA CENTERS

WHEREAS, Arizona Revised Statutes ("A.R.S.") §§ 11-811, et seq. gives the Cochise County Board of Supervisors (the "Board") the authority to adopt zoning regulations to address land use; and

WHEREAS, the Board originally adopted Zoning Regulations in Cochise County, pursuant to that authority in 1975, and has, with periodic modification, maintained them in effect since that time; and

WHEREAS, the Board of Supervisors recognizes that large-scale data centers are an emerging land use that may involve substantial building area, electrical demand, cooling infrastructure, and emergency power systems; and

WHEREAS, the Cochise County Zoning Regulations currently do not define "Data Center" or establish site development standards for this type of facility; and

WHEREAS, establishing a definition, Special Use Authorization requirement, and development standards will allow the County to evaluate such uses through a predictable review process that considers infrastructure availability, compatibility with surrounding land uses, and protection of public health, safety, and welfare; and

WHEREAS, on March 11, 2026, the Planning and Zoning Commission held a duly noticed public hearing on the proposed amendments to the Cochise County Zoning Regulations, hereby known as Docket R-26-01; and

WHEREAS, on April 7, 2026, the Board of Supervisors held a duly noticed public hearing of the proposed amendments to the Cochise County Zoning Regulations, hereby known as Docket R-26-01 and attached hereto as "**Exhibit A**" that will amend Sections 2.03.030, 2.15.070, 2.33.050, 2.36.050, and 2.39.050 and adopt new Section 2.51.040 of

the Cochise County Zoning Regulations relating to Data Centers and found them to be in the public interest; and

WHEREAS, the Board finds that the proposed amendments are consistent with the Cochise County Comprehensive Plan 2045 and are necessary to establish standards for the review and regulation of Data Centers within Cochise County.

NOW, THEREFORE, BE IT RESOLVED THAT by the Board of Supervisors of Cochise County, Arizona, that the Cochise County Zoning Regulations are hereby amended as set forth in Exhibit A, attached hereto and incorporated herein by reference.

PASSED AND ADOPTED BY THE BOARD OF SUPERVISORS OF COCHISE COUNTY, ARIZONA, THIS 7TH DAY OF APRIL 2026.

Frank Antenori, Chairman
Cochise County Board of Supervisors

ATTEST:

Lara Loewenheim
Clerk of the Board

APPROVED AS TO FORM:

3/10/2026
Bert Whitehead IV, Esq.
Civil Deputy County Attorney

EXHIBIT A

2.03.030 DEFINITIONS

Data Center: A facility, or principal use within a facility primarily designed and used to house computer systems, servers, and related equipment for the storage, processing, management, or transmission of digital data for on-site or off-site users, including colocation, cloud-computing, third-party data hosting, or similar services, and including customary accessory cooling, power, and security infrastructure. The term does not include accessory server rooms or data-processing equipment that are not a principal use and are used primarily to support the internal operations of the owner or occupant, including support provided to affiliated agencies or partner organizations. The term also does not include battery energy storage systems installed primarily to store or deliver electricity for an electric generation facility or grid export.

2.15.070 RU SPECIAL USE AUTHORIZATION REQUIRED
Data Center

2.33.050 GB SPECIAL USE AUTHORIZATION REQUIRED
Data Center

2.36.050 LI SPECIAL USE AUTHORIZATION REQUIRED
Data Center

2.39.050 HI SPECIAL USE AUTHORIZATION REQUIRED
Data Center

2.51.040 DATA CENTERS

1. Intent. The intent of this Section is to establish site development and operational standards for the permitting and operation of Data Centers. Because Data Centers may involve large buildings, significant utility demand, cooling infrastructure, and emergency power systems, they require Special Use review to ensure compatibility with surrounding land uses, adequate public services, and long-term site management consistent with the public health, safety, and welfare.
2. Applicability.
    a. Data Centers shall be allowed by Special Use Authorization only in the HI, LI, RU, and GB Zoning Districts.
    b. This Section shall not apply to data processing or server facilities that:
        (1) occupy ten percent (10%) or less of the gross floor area of all buildings on a site; and
        (2) are accessory to and not a principal use of the site; and

(3) are used primarily to support the internal operations of the owner or occupant, including support provided to affiliated agencies or partner organizations; and

(4) do not provide colocation, cloud-computing, third-party data hosting, or similar services.

c. Approval of a Data Center under this Section does not authorize utility transmission facilities, substations, or other off-site infrastructure, which shall be subject to separate review and regulation.

3. Additional Special Use Application Requirements. In addition to standard Special Use application materials, the Applicant shall provide sufficient information to allow the County to evaluate potential land use impacts, which may include, but not be limited to the following:

a. Site plan identifying proposed buildings, equipment yards, access points, lighting, fencing, backup generators, and any associated fuel storage, and other security features.

b. An operational narrative summarizing cooling systems, emergency power generation, hours and intensity of operations, and other relevant anticipated operational characteristics.

c. Utility availability information confirming the proposed source and capacity of electrical and telecommunications service, where applicable, including projected electrical demand and written documentation from the applicable utility or service provider, or other correspondence or documentation acceptable to the County, addressing service availability and/or capacity for the proposed use.

d. Noise impact analysis, if requested by the County, based on site location and potential noise-generating equipment.

e. Water use plan, if water-based cooling, humidification, evaporative cooling, or other routine operational water use is proposed, including estimated average and peak demand, annual use, proposed water source(s), conservation measures, and an evaluation of non-potable or reclaimed water feasibility.

f. Fire protection and emergency response narrative. If the site is outside an established fire district or municipal fire protection service area, the Applicant shall provide a fire protection and emergency response narrative identifying (i) the emergency response provider (if any) and estimated response time, (ii) emergency access features (road width/surface, turning radii, gate locations and emergency access controls), (iii) fire protection water supply, which may include hydrants or on-site alternative, and (iv) locations of backup generators, fuel storage, and other hazardous materials.

g. Any additional studies the County may reasonably request to evaluate site-specific impacts, including traffic/access, drainage/floodplain, wildfire risk, visual screening, or similar issues, as applicable to the proposed site and use. Required studies shall be reasonably related and proportional to the project's impacts and the site context.

4. Construction Phase Standards.
    a. Construction activity shall be conducted in a manner that prevents nuisance impacts to surrounding properties, including dust, noise, traffic hazards, and light spillover.
    b. Construction hours shall be limited to 6:00 a.m. to 7:00 p.m., Monday through Saturday, excluding legal holidays, unless otherwise approved through the Special Use Authorization or required for emergency conditions.
    c. The Applicant shall identify construction access points and anticipated haul routes. The County may require additional traffic controls or restrictions where necessary to protect public safety or maintain roadway operations.
    d. Temporary construction lighting shall be shielded and directed downward and inward to minimize glare and light spillover onto adjacent properties and public rights-of-way.
    e. The Applicant shall implement dust control measures during construction, including watering, soil stabilizers, covering haul trucks, speed controls on unpaved areas, and prompt cleanup of tracked dirt or debris on public roads.
    f. The Applicant shall maintain emergency access during construction.
5. Development and Operational Standards.
    a. Height: Buildings and structures shall comply with the height limitations of the applicable Zoning District unless modified through the Special Use Authorization.
    b. Setbacks.
        i. Buildings and equipment shall comply with minimum setbacks of the applicable Zoning District.
        ii. Increased setbacks, buffering, or screening may be required where a Data Center is adjacent to residentially used parcels in residential or rural zoning.
    c. Site Design and Compatibility.
        i. Building massing, equipment placement, and site layout shall be designed to minimize visual and operational impacts on adjacent properties.
        ii. Equipment yards, cooling equipment, and generators shall be screened from public roads and residential uses through building placement, walls, fencing, landscaping, or a combination thereof.
    d. Fire Protection and Emergency Access. The Data Center shall be designed and operated to provide adequate emergency access and fire protection consistent with all applicable building and fire codes. Any required on-site fire protection measures shall be proportional to the site risk and availability of emergency services. Where public hydrants or municipal fire-flow are not available, the County may condition approval to require alternative on-site fire protection measures, which may include on-site fire protection water supply, fire-flow storage, access improvements, fuel storage setbacks/containment, and operational procedures necessary to protect public health, safety, and welfare.

e. Hazardous Materials Inspection and Response. The County may require annual inspection or certification that fuel storage, containment, and hazardous-material controls remain in proper working order. The inspection or certification shall identify any deficiencies and corrective action taken or proposed. Soil or groundwater testing may be required where a spill, release, system failure, violation, or other objective evidence indicates a potential contamination risk.
f. Noise.
    i. Data Centers shall be designed and operated to minimize noise impacts beyond the property boundary.
    ii. The County may require mitigation measures or operational limitations where noise impacts are anticipated.
    iii. Routine testing of emergency generators shall be limited to reasonable daytime hours, except during emergency conditions.
g. Lighting.
    i. Outdoor lighting shall be designed to provide site security while minimizing glare, light spillover, and sky glow on adjacent properties.
h. Traffic and Access.
    i. Site access shall be designed to accommodate construction traffic, delivery vehicles, and continuous emergency access.
    ii. Where a Data Center is adjacent to residentially used parcels in residential or rural zoning, the County may condition approval to limit delivery hours and/or outdoor loading, unloading, and maintenance activities to minimize impacts to surrounding properties.
i. Utilities and Infrastructure.
    i. The Applicant shall demonstrate that adequate utility services are available or will be provided to serve the Data Center without adversely impacting existing users.
j. Potable Water Use for Cooling. Potable water shall not be used for routine cooling or humidification unless the Applicant demonstrates, through the Water-Use Plan, that non-potable or reclaimed water is not reasonably available or feasible. The County may condition approval to require non-potable or reclaimed water where reasonably available and may require metering and periodic reporting.
k. Telecommunications Service. The Applicant shall demonstrate that adequate telecommunications service is available or will be provided to support the proposed operations. Documentation may include identification of proposed provider(s) and correspondence or other information acceptable to the County addressing service availability, capacity, and anticipated timing. Approval does not authorize off-site telecommunications infrastructure, which remains subject to separate review and permitting.
l. Security.
    i. Data Centers may include perimeter security features necessary for facility operation and public safety.

ii. Security features shall be designed to minimize visual impacts on surrounding properties through setbacks, screening, or landscaping where appropriate.

6. Transferability. Approval of a Data Center Special Use Authorization shall run with the land. Any change in ownership or operator shall not relieve the property of compliance with approval conditions.
7. Cessation of Use and Abandonment.
    a. If a Data Center ceases operation for a continuous period of one (1) year, the County may determine the facility to be abandoned unless the owner demonstrates active efforts to resume operation or transfer the facility for lawful reuse. The County shall provide written notice prior to making a determination of abandonment.
8. Decommissioning and Site Management.
    a. Decommissioning and Abandonment Plan shall be submitted with the building permit application and shall address site stabilization and management in the event of abandonment.
    b. Decommissioning shall be required only upon a County determination of abandonment.
    c. Decommissioning may include removal of unused or unsafe structures and equipment and stabilization of the site to prevent hazards, erosion, or nuisance conditions.
    d. Reuse or repurposing of buildings and infrastructure for lawful uses may be approved in lieu of removal.
9. Financial Assurance.
    a. Financial assurance shall not be routinely required during active operation of a Data Center, but may be required as a condition of Special Use Authorization where site-specific features create a heightened risk of decommissioning or site stabilization costs.
    b. Upon a determination of abandonment, the County may require financial assurance sufficient to ensure completion of decommissioning or site stabilization if such assurance has not already been required, or may use previously required financial assurance for such purposes.
    c. Acceptable forms of financial assurance may include, but are not limited to, bonds, letters of credit, escrow, or other forms approved by the County.