

ZONING ORDINANCE 12-04

**AMENDING THE COCHISE COUNTY ZONING REGULATIONS
GOVERNING MINIMUM REQUIREMENTS FOR DEMONSTRATING
LEGAL NONCONFORMANCE**

WHEREAS, Section 802 of Title 11 of the Arizona Revised Statutes gives the County Board of Supervisors the authority to adopt Zoning Regulations to address land use; and

WHEREAS, Cochise County has adopted Zoning Regulations as permitted by law; and

WHEREAS, Zoning Regulations were originally adopted in Cochise County by the County Board of Supervisors in 1975 with major revisions adopted in 1984, 1999 and 2008; and

WHEREAS, per Section 2003 of the Zoning Regulations, a legal, nonconformance is any use of land, lot or parcel, building or structure which lawfully existing either prior to January 1, 1975, or a use which was rendered nonconforming with respect to site development standards as a result of amendments to the Zoning Regulations; and

WHEREAS, it is often difficult for owners and the County to find and produce evidence of use prior to January 1, 1975; and

WHEREAS, the Planning Department is proposing to amend Section 2003 so that use of a parcel 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, as set forth on Exhibit A hereto; and

WHEREAS, the proposed amendments have been duly noticed and advertised; and

WHEREAS, after a duly noticed public hearing on December 14, 2011, the Planning and Zoning Commission unanimously recommended approval of the proposed amendments; and

WHEREAS, the Board of Supervisors held a duly noticed public hearing of these proposed amendments to the zoning regulations,

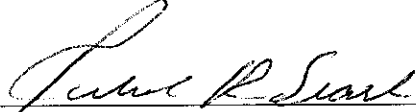
NOW, THEREFORE, BE IT RESOLVED that Sections 2003.02 and 2003.03 of the Cochise County Zoning Regulations shall be amended shall be amended as set forth on Exhibit "A" attached hereto.

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Re: (R-11-09) Amending the Cochise County Zoning Regulations Governing Minimum Requirements for Demonstrating Legal Nonconformance

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PASSED AND ADOPTED by the Board of Supervisors of Cochise County, Arizona, this 14th day of February, 2012.



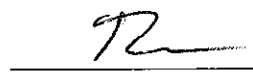
Richard R. Searle, Chairperson
Cochise County Board of Supervisors

ATTEST:



Katie A. Howard
Clerk of the Board

APPROVED AS TO FORM:



Britt W. Hanson
Chief Civil Deputy County Attorney

EXHIBIT "A"

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 nonconforming 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 ~~42~~ **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.