

2020-24556

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Requested By: COCHISE VISTA DEL ORO HOA

David W. Stevens - Recorder

Cochise County, AZ

11-04-2020 04:36 PM Recording Fee \$30.00

Cochise Vista Del Oro Homeowners Association (HOA)

Design Guidelines Revised October 2020

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Cochise Vista Del Oro (VDO) is a village within the 3 Canyons Ranch Master Homeowners Association, whose Codes, Covenants and Restrictions (CCR's) were approved as part of the 'Village' process. VDO Members /owners are required to submit site improvements, new construction plans and exterior changes to the Vista Del Oro Architectural Committee (VDO AC) for review and approval. VDO Members are legally obligated to these requirements; VDO is legally required to comply with the Master Homeowners Association Village requirements.

Additional Information & References:

- Refer to CCR Article 3 for Use & Restrictions
- Refer to CCR Article 3.20 Motor Vehicles & trailers regarding parking, garages, screening requirements.
- Refer to CCR Article 7 for Maintenance

A. Review Process and Submission Requirements

Requires VDO Architectural Committee (VDO AC) approval:

- New Construction
- Walls and Fences
- New Exterior Paint
- New Roofing
- Solar Installation
- Exterior Lighting

Exemptions:

- Repainting of exterior surfaces using a previously approved color.
- Landscaping for existing homes does not require approval as long as it does not include plants on the Prohibited Plant List. (Section E Landscaping)
- With the exception of open fire areas such as BBQ pits, grill pits or firepits, changes inside a previously approved wall enclosure which are not visible to neighboring properties or common areas.
- Repairs and maintenance required to restore property to its original condition.

Summary of Submittal Process:

- Review the VDO AC Review Checklist (Appendix) as a resource to provide guidance for the submittal process.
 - This is what the committee will use to review your project and will include 99% of all potential items requiring approval. Look for your type of project in the left column and to the right are the applicable references and basic requirements in our governing documents.
- Download and submit the completed application form. (Appendix)
- Expect a response not to exceed 30 days from the time when all information to do the review has been submitted. Additional information may be requested by the VDO AC.

B. Design Guidelines

Setting:

VDO is a planned nature conservation residential community located in Hereford, Arizona, near the base of the Huachuca Mountains. The setting, feel and look of the residential community are critical for its long-term desirability and value. VDO offers homeowners the amenities of plentiful desert open space and vegetation, mountain views and abundant wildlife. The topography contains clusters of native trees and shrubs in a semi-arid grassland.

VDO comprises approximately 132 acres with a total of 44 platted lots. To ensure a compatible, consistent, and harmonious community, the design and construction must occur within a uniform framework.

Purpose:

The purpose of these guidelines, when combined with the recorded 3 Canyon and VDO CCR's, is to ensure consistently high quality development and market success; thus protecting the investment of those who locate within the development area and assuring the residents and builders of a high quality development.

These guidelines address design issues in site planning, architecture, landscape architecture, and building materials. These guidelines have been developed as a framework to express the community character of VDO. They provide a documented basis for evaluating and directing the planning and design of improvements to each parcel. These guidelines ensure that all development will complement and contribute to the total ambiance of VDO landscape. Adherence to these guidelines will result in a high quality of appearance, land use compatibility success, financial success and stability for the owner.

The guidelines are design criteria to be used by homeowners, architects, engineers, landscape architects, builders and other professionals to maintain the design quality proposed herein. They will be used to review each submittal package to assure conformance with the overall community design objectives.

NOTE: These Design Guidelines are a 'living document', and as such may be revised periodically as circumstances warrant with majority approval of the Architectural Committee, prior to Board of Directors approval at a meeting open to the Members.

Goals:

- Creation of a community with a strong open space theme derived from the history of the property.
- Provision of community design guidelines to facilitate sensitive integration of projects within the overall community development.
- Provision of variety in the community character through creative land use, architecture, lighting, and landscape architecture.
- Utilization of natural drainage ways and riparian communities as a unifying element to maintain and enhance the nature conservation approach to VDO.
- Protection of property values and enhancement of investment.
- Maximization of panoramic views to the Huachuca Mountains.
- Site development in a manner sensitive to the terrain (i.e. slope, natural drainage and runoff patterns, native vegetation, soil stability and views).
- Unify and reinforce the existing landscape through establishment of plant palettes for new residences and open space areas.
- Guide the owner and home builder through the design development process and retain the character of VDO.

C. Site Development Standards

Site Grading: Grading should reflect the natural topography and result in harmonious transitions between manmade graded areas and natural terrain. This is accomplished by:

- Limiting maximum cut slope to 2.5:1 and maximum fill slope to 3:1 whenever possible.
- If 90 days after grading has occurred and there is no construction activity, the graded area shall be hydroseeded with native grasses.
- Replanting all graded slopes with trees, shrubs, and native type ground covers to control erosion and minimize denuded view of the slopes.
- There shall be no grubbing, brushing, or grading prior to final plan approval and site staking approval.
- It is the lot owner's responsibility to see that vegetation is not destroyed outside the building site and during this process. If vegetation is damaged, it must be replaced.
- Retain natural vegetation to greatest extent possible.

Drainage:

- Natural drainage-ways shall be preserved wherever possible. Minimize alterations to natural drainage-ways to prevent soil erosion. Developed drainage-ways, if lined, shall use native rock.
- Collection and onsite water retention is encouraged to supplement irrigation.
- All drainage shall exit from any lot in a manner identical to the original run-off.

Utilities: All new utility lines shall be underground.

Screening: Screen all propane tanks, utility pads, and mechanical equipment such as air conditioners, cooling/heating devices, furnaces and pool equipment with walls, fences, or vegetation. Furthermore, clotheslines, wood storage and trash or rubbish containers shall not be placed or maintained on any lot so as to be visible from neighboring properties.

Without AC approval, trailers and RV's are limited to being 'in view' of neighboring properties and common area to 48 hours in any 7-day period. (CCR 3.20.4)

Native Vegetation: The owner and his/her contractor shall comply with all State of Arizona laws and regulations governing native trees, cacti, and plants. Native vegetation shall be preserved where possible.

D. Construction Standards

Introduction:

The architectural theme for the VDO community will have a distinctive identity, expressing a thoughtful integration of building structures and the desert environment. The theme will be based on a distinctive southern Arizona vernacular, having its roots in the Spanish, Mission Territorial or Southwestern style and shaped by the cultural and climatic influences of southern Arizona.

These construction standards are intended to establish a consistent architectural theme for VDO, while allowing for flexibility of design expression.

New Homes: Shall contain not less than 1,700 square feet of site built living space.
(Refer to VDO CCR 3.2, 3C CCR 4.3.1)

Construction Period: The construction period shall not exceed 12 months. The construction period commences with approval from the VDO AC and / or issuance of a Cochise County building permit, whichever occurs later.

Primary Building Materials - Permitted materials include:

- Stucco over CMU (Concrete Masonry Units) or wood framing.
- Brick and mortar washed brick
- Fired adobe block
- Mud stucco over stabilized adobe block
- Natural rock
- Decorative concrete masonry units

Accessory Items: Items such as gutters, downspouts, chimneys, skylights, flashing, vents, awnings and meter boxes must be painted to match or complement adjacent surfaces.

Building Heights: Residence / Primary Structure 21' maximum above adjacent grade; 12' maximum for Accessory Structures located within the 20' – 35' setback.

Setbacks: All improvements will adhere to the following minimum setbacks:

- Residence / Primary Structure - 35'
- Accessory Structures, walls and fences - 20'
- Driveways and drainage-ways may be allowed to encroach on setback limits on a lot-by-lot basis if it will enhance or preserve existing vegetation or is necessary because of lot topography.

Accessory Structures (Garages / Sheds / Gazebos, Ramadas, Shade Structures, etc):

- All residences are required to have a 2-car garage as a minimum.
- Attached garages have no size limits but must comply with setbacks and all other requirements.
- Detached sheds / garages / accessory structures are limited by 3 Canyons CCR 4.3.8 to one, with a maximum 600 SFT floor area.
- Accessory structures shall match the Residence (Primary structure) in style, materials and colors along with all other requirements of these Design Guidelines.

Walls & Fences:

- Wall & Fence heights: 6' maximum for rear yard privacy enclosures, 3'-4" (40") for front courtyards, as measured from the existing natural grade at the exterior of the wall.
- Soften long wall lines with plant recesses and landscape for vertical and horizontal relief.
- All walls, gates or other ornamental iron will be finished and painted the same, coordinated, or complementary color as the Primary Structure / Residence.
- Wall materials shall conform to the recommended building materials but can also include ornamental iron in combination with masonry.

Painting: New exterior paint colors shall be submitted using the Sherwin Williams Exterior Inland Colors *Desert and Southwest Style Color Chart*, (Appendix) but any manufacturer that can match color(s) is acceptable.

- Color charts are available through Sherwin Williams or from an AC member.

Roofing: New or reroofing of an existing structure shall be submitted to the VDO AC for approval. The use of traditional southwest style or other materials previously approved is encouraged. Metal Roofing with a Solar Reflectance Index (SRI) of <40 will be considered for approval based upon slope and potential of glare to adjoining properties.

Solar Devices: Installation of solar devices on existing homes requires review and written approval by the AC. Solar devices mounted on flat roofs which are screened by parapet walls and ground-mounted solar devices that are screened by walls or landscaping are the preferred installations to minimize visual impact on neighboring properties. The visual impact of ground-mounted installations on adjacent properties also needs to be taken into consideration. Roof color and the solar device color on existing slanted roofs should be coordinated and match as near as possible.

Lighting: External lighting shall be limited to that necessary to provide the functional requirements of safety and security and shall comply with the Cochise County Light Pollution Code. (Appendix) All exterior lights must be located as not to be directed toward or reflect upon surrounding properties.

Pools: Pools and their required enclosures will conform to current Cochise County regulations. Water disposal / back-flushing / back-washing shall not be discharged onto streets, roadways, or other lots.

Pavement and Curb Cuts:

- No pavement cuts may be made on the private streets and roadways within the subdivision without prior written approval.
- All pavement cuts or damage to the subdivision streets or roadways must be repaired to the same standard as their original condition.
- The owner is responsible for any damage to the subdivision streets or roadways and other land in or adjacent to the subdivision done by any contractor or sub-contractor during the course of construction or improvements on the owner's lot. If the damage is not adequately repaired, VDO Homeowners Association may make such repairs and the cost of such repair shall be a lien on the lot whose owner is directly or indirectly responsible for such damage. Such lien shall also include all costs incurred in enforcing and collecting the lien.

E. Landscaping

- Landscaping projects for existing homes will not need to submit if there are no prohibited plants.
- Mineral landscape features, such as ground covers and boulders, are limited to materials indigenous to the Sonoran Desert.
- VDO HOA encourages the use of native landscaping per Arizona Firewise guidelines. (Appendix)

Prohibited Plant Materials List

The following plants are prohibited due to one or more of the following reasons: Allergy-producing pollen, toxicity to humans or pets, high maintenance requirements, fire hazard, esthetic concerns or the possibility of uncontrollable spread to neighboring properties:

- Fan and Date Palm trees, including all Washingtonia, Phoenix dactylifera and Phoenix canariensis species.
- Flowering olive trees (*Olea europaea*)
- Oleanders (*Nerium oleander*)
- Fountain Grass (*Pennisetum setaceum*)
- Common Bermuda Grass (*Cynodon dactylon*)
- Mulberries (*Morus*)
- Mediterranean Cypress (*Cupressus semipervins*), Leyland Cypress (*Cupressus leylandii*).
- The two listed below are prohibited as well as 'fair game' to be removed from VDO common areas, as coordinated with an AC Member.
- Desert Broom (*Baccharis sarothroides*)
- Russian Thistle (*Salsola tragus* / aka Tumbleweed)

F. Violations

The Architectural Committee (AC) is responsible for determining and reporting member violation of the governing documents to the Board of Directors (BOD) and where appropriate, assessing fines and other appropriate actions. Members will be held responsible for all violations that occur on their property, including actions performed by guests, tenants, or contractors in accordance with VDO CCR's 6.8.2, 7.3. 7.4

The AC shall take the following actions upon discovery of a potential violation:

1. Friendly Reminder: The AC will attempt to contact the member to discuss and resolve the violation.
2. Notice of Violation: If unresolved, the AC Chair will issue a Notice of Violation (NOV) via certified mail and email, when available, which shall contain the provision of the governing documents that has allegedly been violated; the date the violation was observed; the first and last names of the person or persons who observed the violation and the process the member must follow to contest the notice.
3. Contesting / Appealing the NOV: Per Arizona Revised Statutes (ARS) 33-1803, the member will provide a written response via certified mail within 21 calendar days to the address on the NOV.
 - a. Member may appeal at a closed session BOD Meeting, or upon request, a session open to the members.
 - b. Member may petition the State Real Estate Department for an administrative hearing per ARS 32-2199.01.
 - c. Enforcement actions, to include collections and attorney's fees will not be taken before or during the appeal process.
 - d. Fines are due or remediation will occur upon an unsuccessful appeal. Fines and legal fees accrue from the date of the NOV.
 - e. Fines and legal fees are waived upon a successful appeal.
4. Fines are determined upon the following schedule:
 - a. \$50.00 plus \$5.00 per day for each non-construction violation.
 - b. \$500.00 for construction started prior to AC approval.
 - c. \$1,000.00 for construction completed prior to AC approval.
 - d. \$500.00 for construction not completed within approved timelines.
 - e. Legal Fees accrued from the collection of the fines.

G. Appendix

VDO AC Approval Form:

- Fill & submit the completed form electronically along with additional information to fully describe the project.
 - Contact one of the AC Committee members if you have a color chip or hard copy that cannot be sent by email.

Available Reference Documents: (NOT required to be submitted.)

- VDO AC application review checklist.
 - This is what the committee will use to review your project and will include 99% of all potential items requiring approval. Look for your type of project in the left column and to the right are the applicable references and basic requirements in our governing documents.
- VDO Exterior Color Chart
- Cochise County Light Pollution Code

Other Resources:

- To be Firewise, do an internet search for: Arizona Firewise, or try https://www.fs.usda.gov/Internet/FSE_DOCUMENTS/stelprdb5339207.pdf
- For information on native Plants, do an internet search for: University of Arizona Master Gardeners Sierra Vista Area Plant List, or try <https://www.amwua.org/plants>
- Arizona Revised Statutes, Chapter 16 Planned Communities: <https://www.azleg.gov/arsDetail/?title=33>

I, Lynn Mattingly, serving as President of the Cochise Vista Del Oro Homeowners Association, certify that at a meeting open to the members on October 17, 2020, the Board of Directors voted and approved these Design Guidelines which shall be effective as of that date and recorded in the Office of the Cochise County Arizona Recorder.

Please Record and Return to:

Lynn Mattingly, November 2, 2020
Lynn Mattingly, President

Cochise Vista Del Oro Homeowners Association
8794 S. Palisades Dr; POB 1535
Hereford, Az 85615

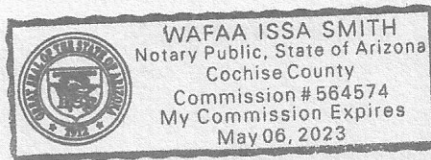
State of Arizona

County of Cochise

On 11-2-20 (Date)

Lynn Mattingly (Signer who personally appeared before me,
whom I know to be the person who signed the above and proved evidence he signed it.)

(Seal)



Notary Public

Wafsa Issa Smith

COCHISE VISTA DEL ORO HOA ARCHITECTURAL COMMITTEE APPROVAL FORM

BEFORE YOU DO ANYTHING ON THE EXTERIOR OF YOUR PROPERTY:

MOST exterior changes to the lot or residence must go through the Architectural Committee approval process. Completing and submitting this form is the first step of the process.

1. Complete this form per Section A of the current VDO Design Guidelines, use NA as applies.
2. Send this form to: VDOHOAArchCom@vistadeloro.org
3. Hard copies / samples to be sent to: Architectural Committee, c/o VDO Homeowners Association, P.O. Box 1535 Palisades Road, Hereford, AZ 85615.

OWNER / BUILDER

Name:
Mailing Address.
City & Zip:
Telephone:

E-Mail:	
House Number and Road Name:	Section: Parcel: 104-
Description of Project:	
Building Permit #_____if applies. (Attach copy, or can be a deferred submittal if HOA approval desired prior to obtaining permit. HOA approval does not eliminate permit requirements.)	
Site Plan with Setbacks	
Floor Plan & Elevations, all sides	
Exterior Color Scheme Sample	
Fencing/Walls (description of material)	
Driveway Curb Cut	
New Outdoor Lighting Fixture Submittal (Shielded, 'Dark Sky' Compliant)	
Certification that all existing outdoor lighting is 'Dark Sky' Compliant) (Initial here_____)	
Square Footage of New or Additional Living Area:	

Owner's Authorization:_____

Date: _____

Cochise Vista Del Oro HOA Architectural Committee Application Review Checklist

Item	DocRef	Where	Basic Description	Y/N or NA
Paint / Repaint	Color Chart	DG A-2, D-7	Colors from the Sherwin Williams Desert & SW Style Color Chart or equal.	
Landscaping / Hardscaping	VDO DG's	DG Sec E-9	Plant types not allowed	
Miscellaneous	VDO CCR's	Art. 3.6	Fires OK in approved BBQ, grill or fire pits	
"	"	Art. 3.11	Clotheslines not to be in view from common areas or adjacent lots.	
"	"	Art. 3.16	Animals - 2 dogs, cats, or household birds. On leash @ common areas, no excessive noise.	
"	"	Art. 3.18	Flags / Signage - As approved by AC, but see ARS 33-1808 for HOA constraints!	
Parking	VDO CCR's	Art. 3.20.4	RV's / Campers in the open OK for 48 hrs in any 7 day period, longer w/ AC approval.	
Accessory Structure	VDO CCR's	Art. 3.1.11	Building permit as required by Cochise County P&Z	
	"	Art. 3.26	Used for vehicles, not converted to living area without AC approval.	
(Gazebo, shed, ramada, detached garage,	3C CCR	Art. 4.3.8	600 SFT Max if detached, one allowed per lot.	
	VDO CCR's	Art 3.2.1, 2	Max Ht 21', 1-story, 2-story possible w/ approval	
	VDO DG's	DG Sec D-6	Max ht 21' 1f 35' setback, 12' if 20'-35' for parapet & sloped roof construction	
	"	DG Sec D-7	20' min. setback from lot lines	
"	"	DG Sec D-8	Roofing Types - commonly used, metal OK w/ review, match residence.	
"	VDO CCR's	Art. 3.12	Underground utilities only	
"	"	Art. 3.26	Rooftop HVAC ok if hidden / concealed.	
Maintenance	VDO CCR's	Art. 7.2, 7.4	Lot owner's required maintenance / cleanup / upkeep.	
"	"	"	Yard equipment, woodpiles, storage areas not to be visible.	
Fence (Walls)	VDO CCR's	Art. 3.1.11	Building permit as required by Cochise County P&Z	
"	VDO CCR's	Art. 3.2.4	Max 6' height	
"	VDO DG's	DG Sec D-7	Max 6' height for rear yard enclosures, 3'-4" (40") for front courtyards.	
"	"	DG Sec D-7	20' min. setback from lot lines	
"	"	DG Sec D-6,7	Bldg matls allowed - also OK when combined w/ ornamental iron	
"	"	DG-7	Fence & Gate painting (Same or complementary to Primary Structure)	
New Homes / Additions	VDO CCR's	Art. 3.1.11	Building permit as required by Cochise County P&Z	
	VDO DG's	DG Sec C-5	Site Grading Requirements	
"	"	DG Sec C-5	Drainageway requirements	
"	"	DG Sec D-7	Site Built, Min 1700 SFT Living area (VDO AC report SFT to 3 Canyons) (3C CCR 4.3.1)	
"	"	DG Sec D-7	2-car garage min for new home.	
"	"	DG Sec D-8	Roofing Types - commonly used, metal OK w/ review.	

Cochise Vista Del Oro HOA Architectural Committee Application Review Checklist

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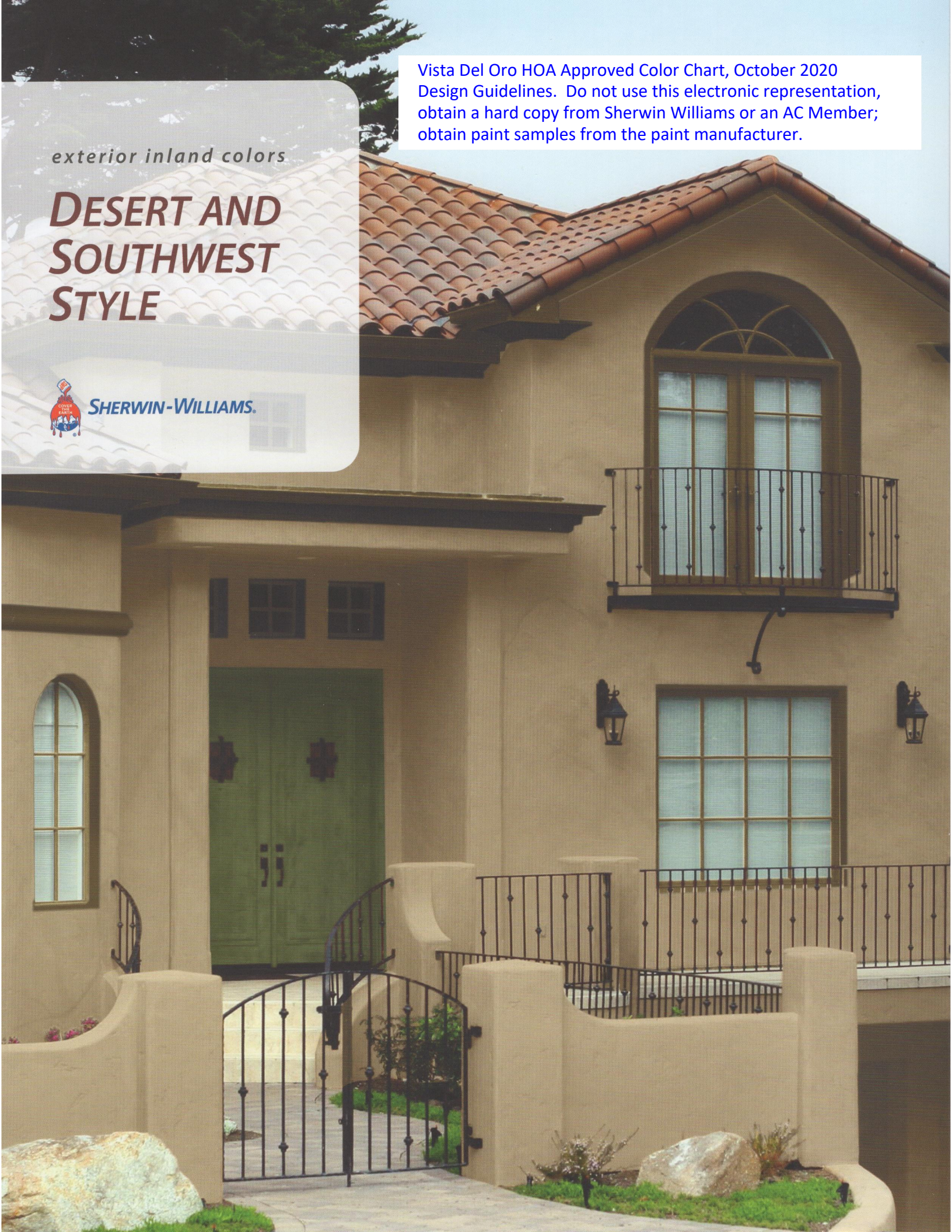
Vista Del Oro HOA Approved Color Chart, October 2020
Design Guidelines. Do not use this electronic representation,
obtain a hard copy from Sherwin Williams or an AC Member;
obtain paint samples from the paint manufacturer.

exterior inland colors

DESERT AND SOUTHWEST STYLE

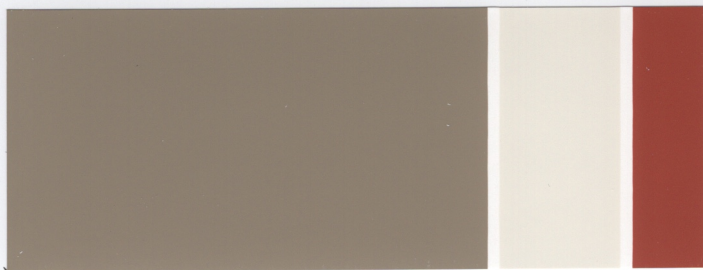
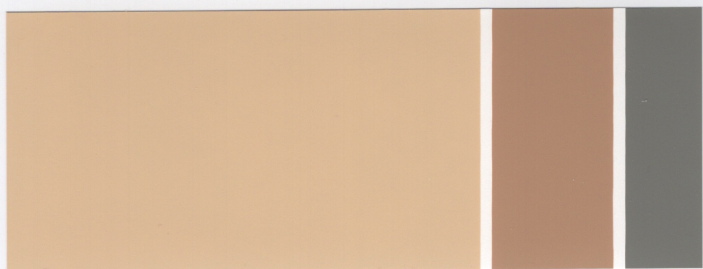


SHERWIN-WILLIAMS.



inland color

DESERT AND SOUTHWEST STYLE



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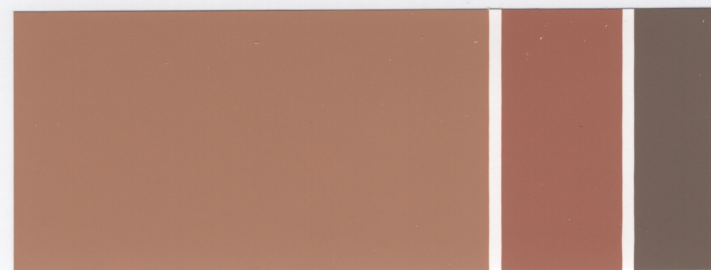
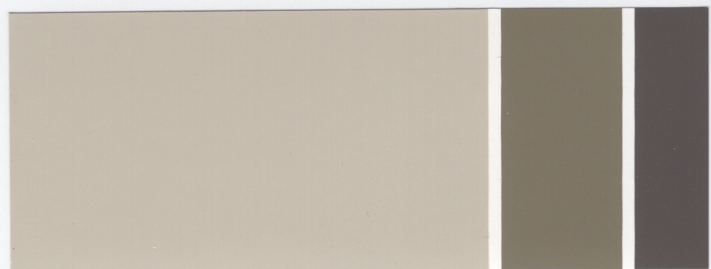
(A)



BODY	TRIM	ACCENT
Birdseye Maple SW 2834	Lanyard SW 7680	Link Gray SW 6200
Sawdust SW 6158	Nacre SW 6154	Spicy Hue SW 6342
Burlap SW 6137	Jersey Cream SW 6379	Oak Creek SW 7718



BODY	TRIM	ACCENT
Naturel SW 7542	Meadow Trail SW 7737	Manor House SW 7505
Quiver Tan SW 6151	Softer Tan SW 6141	Lanyard SW 7680
Oak Creek SW 7718	Spiced Cider SW 7702	Tiki Hut SW 7509



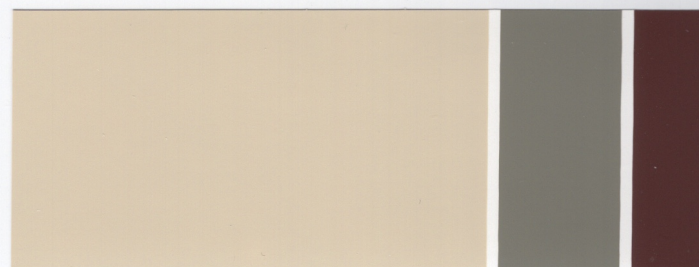
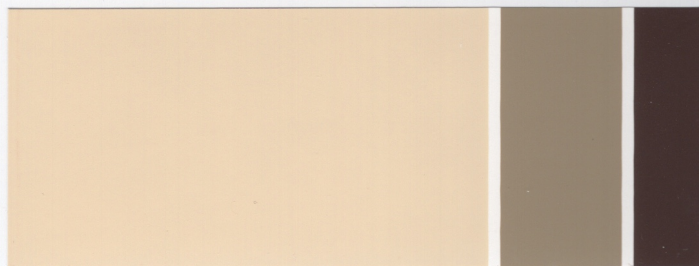
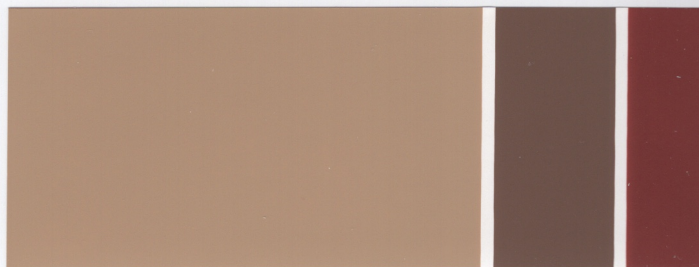
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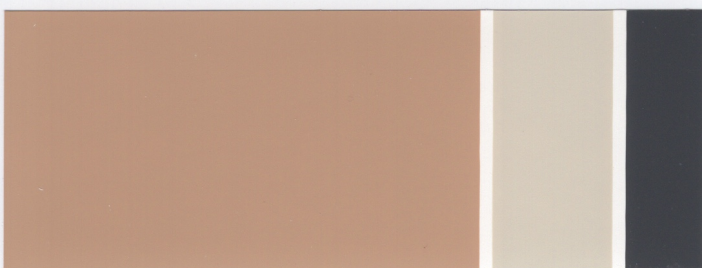
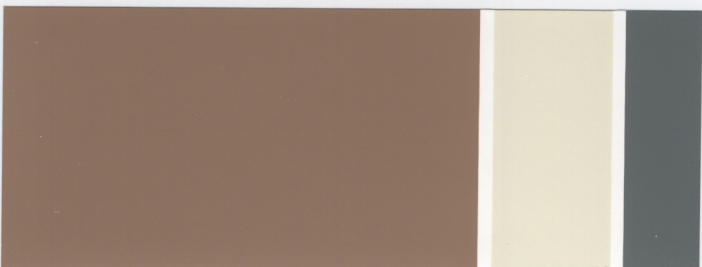
BODY	TRIM	ACCENT
Mesa Tan SW 7695	Grounded SW 6089	Sundried Tomato SW 7585
Concord Buff SW 7684	San Antonio Sage SW 7731	French Roast SW 6069
Netsuke SW 6134	Connected Gray SW 6165	Fiery Brown SW 6055



(B)

(T)

(A)



(B)

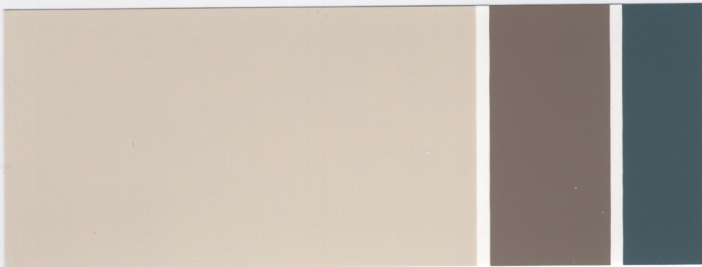
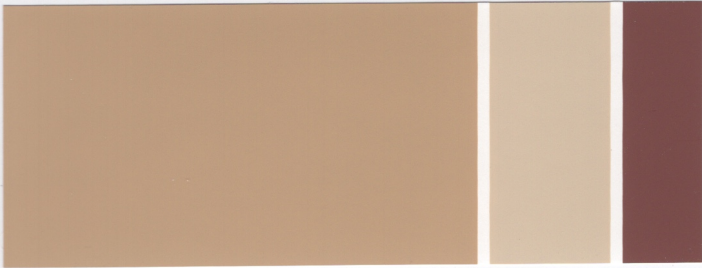
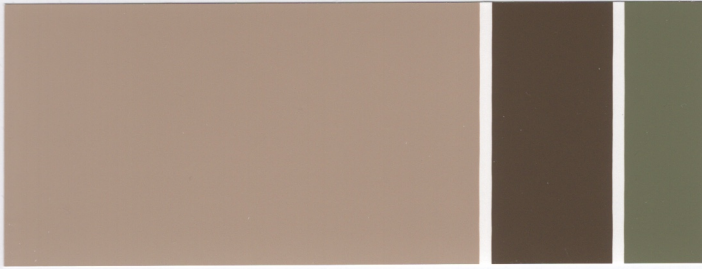
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BODY	TRIM	ACCENT
Smokey Topaz SW 6117	Kilim Beige SW 6106	Distance SW 6243
Hopsack SW 6109	Muslin SW 6133	Homburg Gray SW 7622
Totally Tan SW 6115	Oyster Bar SW 7565	Cyberspace SW 7076

The above scheme is featured on the cover.



(B)

(T)

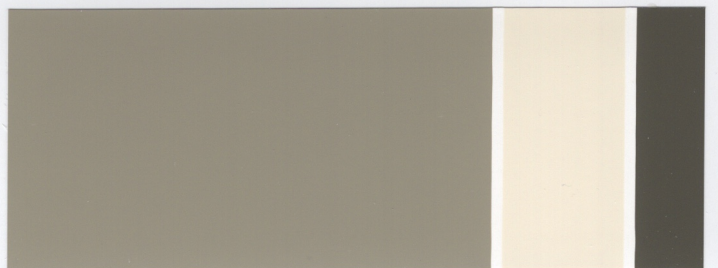
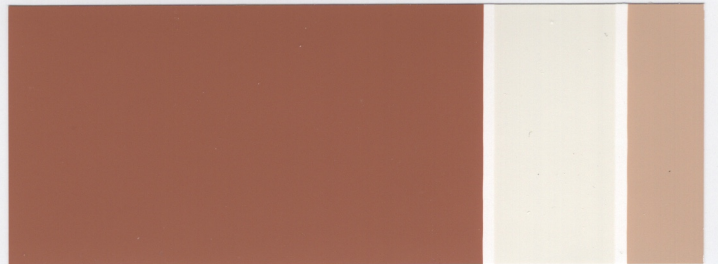
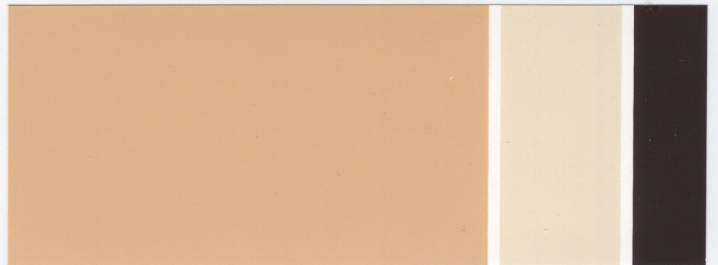
(A)



BODY	TRIM	ACCENT
Latte SW 6108	Protégé Bronze SW 6153	Edamame SW 7729
Stonebriar SW 7693	Toasted Pine Nut SW 7696	Canyon Clay SW 6054
Stucco SW 7569	Foothills SW 7514	Tempe Star SW 6229



BODY	TRIM	ACCENT
Bee's Wax SW 7682	Napery SW 6386	Black Bean SW 6006
Brandywine SW 7710	Dover White SW 6385	Ligonier Tan SW 7717
Herbal Wash SW 7739	Morning Sun SW 6672	Garden Gate SW 6167



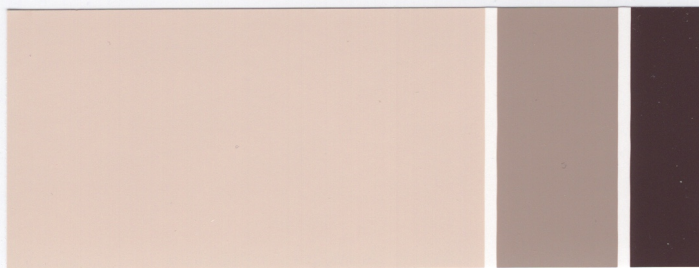
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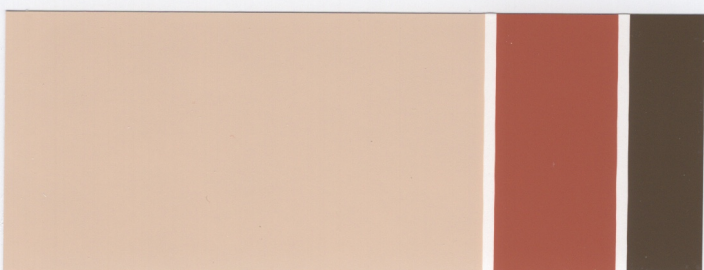
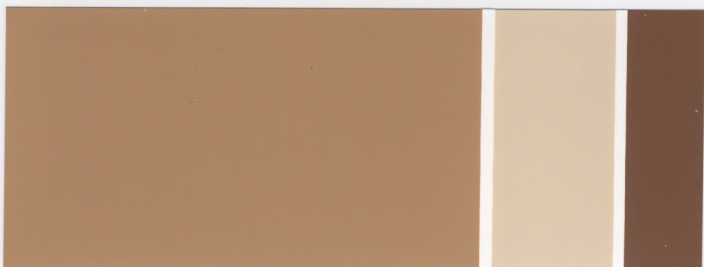
BODY	TRIM	ACCENT
Renwick Rose Beige SW 2804	Divine White SW 6105	Homestead Brown SW 7515
Pueblo SW 7711	Trusty Tan SW 6087	Bitter Chocolate SW 6013
Baguette SW 6123	Believable Buff SW 6120	Polished Mahogany SW 2838



(B)

(T)

(A)



(B)

(T)

(A)



BODY	TRIM	ACCENT
Favorite Tan SW 6157	Tatami Tan SW 6116	Tea Chest SW 6103
Mannered Gold SW 6130	Ivoire SW 6127	Jute Brown SW 6096
Interactive Cream SW 6113	Red Cent SW 6341	Protégé Bronze SW 6153

(B) Body

(T) Trim

(A) Accent

ARTICLE 16

LIGHT POLLUTION

Contents of Article 16

<u>Description</u>	<u>Section</u>
Purpose	1601
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1601 Purpose

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

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

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

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

1602 Administration

1602.01 Conformance with Applicable Codes

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

1602.02 Approved Material and Methods of Installation

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

- A. Provides approximate equivalence to those specific requirements of this Article, or
- B. Is otherwise satisfactory and complies with the intent of this Article.

1602.03 Applicability

- A. New Uses, Buildings and Additions or Modifications:

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

- 1. If a major addition occurs on a property with a non-residential use, the entire property shall comply with the requirements of this Article. For purposes of this section, major additions are changes of 50-percent or more in terms of additional dwelling units, gross floor area, or seating capacity, that have occurred either as single or with cumulative additions or modifications which have occurred since March 3, 1982, the effective date of this provision.
 - 2. Minor additions (defined as additions or modifications less than 50-percent of existing uses) on a property with a non-residential use shall require the submission of a complete inventory and site plan detailing all existing and any proposed new outdoor lighting. Any new lighting on the site shall meet the requirements of this Article with regard to shielding and lamp type; the total amount of lumens after the modifications are complete shall not exceed that on the site before the modification, or that permitted by this Article, whichever is larger.
- B. Change of Use. Whenever the use of any existing building, structure, or premises is changed to a new use, all outdoor lighting shall be reviewed and brought into compliance with all provisions of this Article before the new use commences.
- C. Resumption of Use after Abandonment. If a property or use with non-conforming lighting is abandoned as defined in Section 1603, then all outdoor lighting shall be reviewed and brought into compliance with all provisions of this Article before the use is resumed.

1602.04 Special Use Authorization Requirements

Any application or lighting installation not meeting all requirements of this Article, including, but not limited to height, shielding, curfew, or lumen caps shall require a Special Use Authorization pursuant to Article 17. At the time of Special Use Authorization submittal, the proposed lighting system design shall be certified by a knowledgeable Arizona Registered professional or other certified lighting specialist as achieving the minimum illuminance level for the specific activity as

recommended by the Illuminating Engineering Society of North America (IESNA) and that the design shall conform to all other applicable provisions of this Article and with aiming angles that permit no greater than five-percent of the light emitted by each fixture to project above the horizontal. The submittal must contain complete specifications, including total lumen/ nit count to meet the requirements of off-site glare and light trespass, as specified in this Article and the Arizona Registered professional or other certified lighting specialist shall provide verification that the correct equipment shall be installed and functioning after installation.

1603 Definitions

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

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

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

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

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

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

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

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

Foot-candle, average - A unit of illumination produced on a surface, measured by a light meter at an average point of illumination between the brightest and darkest areas. The measurement can be made at the ground surface or at four to five feet above the ground. For the purpose of this Article, one foot-candle is equivalent to one lumen per square foot.

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

IESNA - Illuminating Engineering Society of North America.

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

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

Lamp - A generic term for a source of “light” often called a “bulb,” “tube,” “diode,” “module,” “display,” or an “array.”

LED (Light Emitting Diode) - A semiconductor diode or bulb that emits light when voltage is applied to it and is used in electronic devices.

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

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

Light Fixture, Outdoor - A complete lighting assembly (including the lamp, housing, reflectors, lenses and shields), less the support assembly (pole or mounting bracket). Includes luminous tubes, lamps, or similar devices, permanently installed or portable, used for illumination, decoration, or advertisement.

Light Meter - a device used to measure the amount of light on a surface.

Light Trespass - Stray electric light in excess of the levels specified in Section 1605.01 falling where it is not wanted or needed. Direct or reflected light that has its source on one site, and illuminates areas beyond the property boundaries. Light trespass is typically produced by stray light from unshielded or misdirected outdoor lighting, and includes glare from direct viewing.

Lumen - A unit used to measure the total amount of light that is produced by a lamp. For the purpose of this code, one lumen is equivalent to one foot candle.

Luminaire - A light fixture, including the complete lighting assembly (including lamps, housings, reflectors, lenses and shields), but excluding the support assembly.

Nit - A unit of luminance measured as one candela per meter-squared.

Opaque - Opaque means a material that does not transmit light from an internal illumination source.

Outdoor Light Fixtures - Outdoor electric illuminating devices, outdoor fixtures, lamps and other devices; searchlights, spot lights, flood lights, permanently installed or portable, used for illumination, emergency, security or commercial purposes. Such devices shall include, but are not limited to, lights for:

- A. Parking lots
- B. Roadways
- C. Buildings and structures
- D. Recreational areas and facilities
- E. Landscaping decorative effects
- F. Billboards and signs (advertising and other)
- G. Product display areas

Outdoor Recreational Facility - An area designed for active recreation, whether publicly or privately owned, including but not limited to parks, baseball or softball diamonds, soccer and football fields, golf courses, tennis courts, and roping/equestrian arenas.

Person - Shall mean any private individual, tenant, lessee, owner, or any commercial entity including but not limited to companies, partnerships, joint ventures, or corporations.

Residential Lighting - Residential refers to outdoor lighting for single household dwellings.

Searchlight - A lighting assembly designed to direct the output of a contained lamp in a specific tightly focused direction (a beam) with a reflector located external to the lamp and with a swiveled or gimbaled mount to allow the assembly to be easily redirected. Such lights are commonly used to sweep the sky for advertisement purposes.

Shield - A device that is attached onto or inserted into a luminaire to alter the direction of light being emitted. A luminaire that has a shield attached or inserted is considered to be "shielded."

Sign, Digital - A type of unshielded electronic display that can show programming, menus, information, advertising, and other messages. Digital signs are lighted and utilize technologies such as Liquid Crystal Display (LCD), (Light Emitting Diodes) LED, plasma displays, or projected images to display content.

Sign, Illuminated - For the purposes of this Article, a sign lighted by or exposed to artificial lighting either by lights within the sign or directed toward the sign.

Sky-glow - The undesirable and unnecessary emission of light rays, directly or indirectly, into the night sky.

Uplighting - A lamp or light designed or positioned to cast its light upwards.

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

Watt - The unit used to measure the electrical power consumption (not the light output) of a lamp.

1604 Procedures for Lighting Compliance

1604.01 Applications

- A. Any individual applying for a building or use permit under these Zoning Regulations intending to install outdoor light fixtures shall as a part of said application submit evidence that the proposed work will comply with this Article.
- B. All other individuals intending to install, replace or improve any outdoor light fixture shall comply with the provisions of this Article, and if a permit is required by these Zoning Regulations or Building Codes, submit an application to the County Zoning Inspector providing evidence that the proposed work will comply with this Article.

1604.02 Contents of Application or Submission

The following plans and descriptions shall be sufficiently complete to enable the County Zoning Inspector to readily determine whether the project will be in compliance with the requirements of this Article. If such plans and descriptions are not sufficient to enable this ready determination, by reason of the nature or configuration of the devices, fixtures or lamps proposed, the applicant shall submit evidence of compliance prepared by a certified illumination engineer. The submission shall contain:

- A. Plans indicating the location on the premises, and the type of all illuminating devices, existing and proposed, as well as total lumens or nits emitted.
- B. Description of the existing and proposed illuminating devices, fixtures, lamps, supports and other devices, and the initial lumen output. This description shall include but is not limited to, manufacturers' catalog cuts, photographs, diagrams and/or drawings.

1604.03 Issuance of Permits

Upon compliance with these lighting provisions, as well as the other requirements for permit issuance, the County Zoning Inspector shall issue a permit. The appeal procedures of these Zoning Regulations

for decisions of the County Zoning Inspector shall apply in the event of any dispute as to the application of this Article.

1604.04 Amendment to Permit

Substitution of outdoor light fixtures or lamps after a permit has been issued requires County Zoning Inspector approval prior to installation. Amendments to permits for the installation of outdoor light fixtures require adequate information to assure compliance with Section 1604.02 of this Article.

1604.05 Accessibility for Inspections

The Applicant will provide a means to safely inspect any digital sign over five-feet tall from the ground.

1605 General Requirements

1605.01 Light Trespass and Glare

- A. All fixtures and lamps shall be located, installed, directed, shielded, and maintained to avoid light trespass and to minimize direct light and/or glare on neighboring properties and roadways. Accent lighting shall be directed onto the building or object and not toward the sky or onto adjacent properties.
- B. The level of light trespass shall not exceed 0.2-foot-candles at the property line of a residential property. For a receiving non-residential property, the level of light trespass shall not exceed 0.5-footcandles under the same parameters.

1605.02 Height

- A. Residential Sites: The overall height of lighting fixtures (including the base) shall not exceed 20-feet above ground level, except for residential sites with a minimum parcel size of four-acres or larger, lighting fixtures which are located 50-feet or more from any property line shall not exceed 30-feet in height (including the base) above ground level.
- B. Non-Residential Sites: Except as provided herein for specific uses, the overall height of lighting fixtures (including the base) on all non-residential sites shall not exceed 30-feet above ground level, except in the GB, LI and HI Zoning Districts, the overall height of lighting fixtures located at least 100-feet from any property line shall not exceed 35-feet in height above ground level (including the base). Digital signs shall meet all requirements per Section 1907.02 of Article 19.

1605.03 Lighting Types, Shielding and Curfew Requirements

- A. Lighting Types
 - 1. All street lights shall be fully shielded.
 - 2. Low Pressure Sodium lamps are the preferred lamp type for minimizing adverse effects on astronomical observations.
- B. General Shielding Requirements

1. All light fixtures required to be fully shielded shall be installed and maintained in a fashion that maintains the fully-shielded characteristics.
2. All uplighting is prohibited, except
 - a. The lighting of one flagpole. The light shall be focused on the flag and shall not exceed 2,000 lumens. Off-site glare and light trespass shall be eliminated by the use of shielding. Flags that include advertising, business trademarks or symbols, or other forms of commercial communication may not be uplighted at any time.
 - b. Low voltage or solar landscape lighting not exceeding 150 lumens per fixture.

C. Shielding Requirements for Residential Uses

1. For residential uses, all permanently used lamp types shall be fully shielded.
2. Lighting for multiple household dwellings is not considered Residential, and must comply with all requirements for non-residential lighting, including, but not limited to lumen caps and curfews for decorative lighting.
- ~~3.~~ Unshielded lighting for residential uses under roof or porch overhangs shall be considered compliant provided such lighting meets the light and trespass glare requirements of 1605.01.
- ~~4.~~ Seasonal decorations using typical unshielded low-lumen incandescent lamps shall be permitted from Thanksgiving to January 15.

D. Shielding and Curfew Requirements for Non-Residential Uses

1. All non-residential light fixtures except for unshielded signs shall be fully-shielded.
2. Any Class 1 (Color Rendition), Class 2 (General Illumination), or Class 3 (Decorative Illumination) lamp type shall be shielded in accordance with Table 16.1.
3. All Class 1 (Color Rendition) and Class 3 (Decorative Illumination) lighting shall be extinguished between 11 p.m. (or when the business closes, whichever is later) and sunrise, except:
 - a. Seasonal decorations using typical unshielded low-lumen incandescent lamps shall be permitted from Thanksgiving to January 15.
 - b. Low voltage landscape lights rated at 150 lumens or less provided the total unshielded lumens do not exceed 1,000 lumens.
 - c. Self-contained solar lights rated at 10 watts or less.
4. All light fixtures located within 25-feet of the property line adjacent to a residential use shall use fully shielded luminaires.

1605.04 Total Outdoor Light Output

- A. Total outdoor light output, including that for all signs, shielded or unshielded, shall not exceed the limits in Table 16.1. The values in this table are upper limits and not design goals; design goals should be the lowest levels that meet the requirements of the task to reduce glare and reduce energy costs.
- B. Shielded flood lights, properly aimed down, at no more than 45 degrees, not to exceed 2,000 lumens per bulb and controlled by a motion sensor device shall be exempt from lumen caps, provided fixtures remain on for short periods only, and not to remain on over 10 minutes after the area has been vacated.
- C. Low voltage seasonal decorations, permitted between Thanksgiving and January 15, are not counted toward these limits.
- D. Total outdoor light output for various Zoning Districts is specified in Table 16.1. These maximums are referred to as lumen caps.

Table 16.1

MAXIMUM TOTAL OUTDOOR LIGHT OUTPUT STANDARDS LUMEN CAPS

All Uses in Commercial and Industrial Zoning Districts (NB, GB, LI, HI)⁵	
Total shielded	150,000-lumens per acre of developed site ^{1, 4, 5}
Total Unshielded	3,000-lumens per acre of developed site ^{2,3,5}
Non-Residential Uses in Residential and Rural Zoning Districts ⁶	
Total shielded	75,000-lumens per acre of developed site ^{1,4,5}
Unshielded	3,000-lumens per acre of developed site ^{2,3,5}
Residential Uses in Residential and Rural Zoning Districts Lots one acre or larger	
Shielded	20,000-lumens per acre of developed site ⁵
Residential Uses in Residential and Rural Zoning Districts Lots less than one acre	
Shielded	10,000-lumens per residence
Digital Signs	
Limited to one sign per developed site with a maximum of 200-nits per site	
Correlated Color Temperature (CCT)	
Maximum CCT of 3,000K permitted for non-residential lamps	

¹ Lumens for all signs are to be included in these caps except as provided in Section 1607.02.

² Any lamp with output of 1,000-lumens or more shall be fully shielded.

³ Does not include the 2,000 lumen lighting exception for flagpoles (Section 1605.03) and floodlights on a motion sensor (1605.04).

⁴ All lighting except for safety lighting (Class 2) shall be extinguished between 11 p.m. (or close of business, whichever is later) and sunrise.

⁵ Acreage refers to the developed area of the site, including, but not limited to area used for buildings, structures, storage and service areas, parking, loading, driveway areas, required setback areas and required landscaping related to the use, but not areas that are only cleared.

1606 Prohibitions

1606.01 Searchlights, Laser Lights

The operation of searchlights, laser lights, or any similar high intensity light for outdoor advertising or commercial purposes is prohibited.

1606.02 Recreational Facilities

No outdoor recreational facility, public or private, including those with non-conforming lighting shall be illuminated after 11 p.m. except to conclude a specific scheduled event that was unable to conclude before the curfew due to unusual circumstances.

1606.03 Mercury Vapor

The installation of new mercury vapor outdoor light fixtures is prohibited. The use of legal, non-conforming (installed prior to March 3, 1982) mercury vapor light fixtures is prohibited after January 1, 2011.

1607 Signage

1607.01 External Illumination

External illumination for signs shall conform to the shielding restrictions and lumen caps of Table 16.1. All upward-directed sign lighting is prohibited.

1607.02 Internal Illumination

- A. Outdoor internally illuminated signs are considered unshielded and shall be adequately sealed and maintained to prevent light leakage.
- B. Neon signs shall be treated as internally illuminated signs for the purpose of this Article. Neon lighting extending beyond the sign area shall be considered Class 3 decorative lighting, and shall be subject to the standards applicable for such lighting including, but not limited to, the shielding standards and lumen caps of Table 16.1.
- C. Digital signs that meet the standards as listed in Article 19 are permitted. Digital signs shall be considered unshielded and restricted to total lumen cap per Table 16.1 of this Article. Applicant must supply documentation indicating maximum nit capability for each segment of a digital sign, and demonstrate ability to meet the total nit cap per Table 16.1 of this Article.

1607.03 Other Illuminated Panels

Other internally-illuminated panels or decorations not considered to be signage according to this Article, such as illuminated canopy margins or building faces shall be considered Class 3 Lighting and shall be subject to the standards applicable for such lighting including, but not limited to, the shielding standards and lumen caps of Table 16.1.

1607.04 Curfew

- A. Illumination for advertising signs, both externally and internally illuminated, shall be turned off at 11 p.m., or when the business closes, whichever is later. Signs subject to curfews are encouraged to have automatic shut-off timers.
- B. Digital signs shall be permitted from sunrise to sunset, except as permitted in Article 19.

1608 Permanent Exemptions

1608.01 Nonconforming Fixtures

Except as provided in Section 1602.03, all outdoor light fixtures existing and legally installed after March 3, 1982 and prior to December 1, 2005, with the exceptions found in Section 1606.02 (curfew for outdoor recreation facilities) and 1606.03 (mercury vapor), may remain “non-conforming” indefinitely; provided, however, that no change in use, fixture replacement, structural alteration, or restoration after abandonment of outdoor light fixtures shall be made unless it thereafter conforms to the provisions of this Article.

1608.02 Fossil Fuel Fixtures

Light produced by the combustion of natural gas or other utility-type fossil fuels is exempt from the lumen cap and shielding requirements of this Article.

1608.03 Equipment and Signal Lights

Equipment and signal lights necessary for agricultural equipment or required by State or Federal regulations shall be by the least obtrusive means that meets the applicable operating or regulatory requirements.

1608.04 Federal and State Facilities

Those facilities and lands owned, operated, or protected by the U.S. Federal Government or the State of Arizona are exempt by law from all requirements of these provisions. Voluntary compliance with the intent of this Article at those facilities is encouraged.

1608.05 Emergency Lighting

Temporary lighting to facilitate immediately necessary repairs or similar emergency, such as actions of a public or private utility company necessary to continue or resume service shall be allowed. Lights shall be arranged to reflect light away from and prevent glare to adjoining residential properties and public rights of way to the extent feasible.

1608.06 Agricultural operations

Those agricultural operations that meet the minimum requirements for zoning exemption are also exempt from this Article.

1608.07 Special Exemption

The Zoning Inspector may grant a special exemption to the requirements of this Article only upon a written finding that there are extreme geographic or geometric conditions warranting the exemption and that there are no conforming fixtures that would suffice.

1609 Temporary Exemptions

1609.01 Requests for Temporary Exemptions

Any individual as defined herein may submit a written request to the County Zoning Inspector for a “temporary exemption” to the requirements of this Article. Such exemption will be valid for 30-calendar days, renewable at the discretion of the County Zoning Inspector. The request for Temporary Exemption shall contain at least the:

- A. *Specific exemptions requested.*
- B. *Specific reasons why the requirements listed in this Article cannot be met.*
- C. *Type and use of exterior light involved.*
- D. *Duration of time for requested exemption.*
- E. *Type and number of lamps and calculated lumens.*
- F. *Total lumens of lamp or lamps.*
- G. *Proposed location and height of exterior lights.*
- H. *Previous temporary exemptions, if any.*
- I. *Physical size of exterior light and type of shielding provided.*

In addition to the data above, the County Zoning Inspector may request any additional information to allow a reasonable evaluation of the Request for Temporary Exemption.

1609.02 Appeals for Temporary Exemptions

The County Zoning Inspector, within 15-carendar days from the date of the properly completed Request for Temporary Exemption, shall approve or reject the Request in writing. If rejected, the individual making the Request shall have the right of appeal to the appropriate Board of Adjustment as any other appeal of the County Zoning Inspector's determinations.

1609.03 Private Security Lighting/ Lighting Installed by an Electric Utility

Non-compliant lighting that was installed in good faith by an electric utility shall be brought into conformance with this Article within five-years of adoption; however, individual light fixtures which are the subject of a citizen complaint or County enforcement action shall be brought into conformance within 30-carendar days of notification of the property owner.

1610 Special Activities

1610.01 Outdoor Recreational Facilities

- A. **Shielding:** All outdoor recreational facilities shall utilize fully-shielded luminaires that are installed in a fashion that maintains the fully-shielded characteristics.
- B. **Height:** The maximum height for pole-mounted luminaires for outdoor recreational facilities is 40-feet.
- C. **Lighting for public and private outdoor athletic fields, courts, tracks or arenas,** shall be considered Class 1 (Color Rendition).
- D. **Facility lighting shall meet shielding, lumen caps, height limits and all other restrictions of this Article:**

If meeting all requirements is infeasible, pursuant to Section 1602.04 a Special Use Authorization is required.
- E. **Off-site Trespass:** The facility shall limit off-site trespass to the maximum extent possible and shall not cause light trespass onto residentially zoned or developed properties.
- F. **Curfew:** All events shall be scheduled to complete activity before 11 p.m. Illumination of the playing field, court or track shall be permitted after the curfew only to conclude a scheduled event that was unable to conclude before the curfew due to unusual circumstances.

- G. All lighting not directly associated with the playing field (e.g. parking lot lighting, concession stand lighting, etc.) shall use Class 2 lighting and shall conform to all requirements of Section 1605 of this Article.

1610.02 Outdoor Display Lots

Lighting for display lots shall be considered Class 1 (Color Rendition), and shall be in compliance with the following standards:

- A. Shielding: All display lot lighting shall utilize fully-shielded luminaires that are installed in a fashion that maintains the fully-shielded characteristics.
- B. Height: The maximum height for pole-mounted luminaires for outdoor display lots is 40-feet.
- C. Display lot lighting shall meet shielding, lumen caps, height limits, and all other restrictions of this Article.

If meeting all requirements is infeasible, pursuant to Section 1602.04 a Special Use Authorization is required.

- D. Curfew: Display lot lighting shall be turned off between 11 p.m. and sunrise or within 30 minutes after closing of the business, whichever is later. Lighting in the display lot after this time shall be considered Class 2 lighting and shall conform to all restrictions of this Article, including the lumen caps in Table 16.1.
- E. Off-site trespass: The facility shall limit off-site trespass to the maximum extent possible and shall not cause light trespass onto residentially zoned or developed properties

1610.03 Service Station Under Canopy Lighting

Lighting for service station canopies shall be considered Class 1 lighting (Color rendition) and shall be subject to the curfew requirements in Section 1605.03 of this Article.

- A. Shielding: All luminaires are to be flush with, or recessed into the lower surface of service station canopies and shall be fully shielded and utilize flat lenses.
- B. Total Under-Canopy Output: The total light output used for illuminating service station canopies is defined as the sum of all under-canopy initial bare lamp outputs in lumens and shall not exceed 40 lumens per square foot of canopy. Twenty-five percent of the lumens from fully shielded outdoor lighting fixtures installed under canopies shall be counted toward the lumens caps in Table 16.1.
- C. Illuminated canopy margins shall be considered Class 3 (Decorative) lighting.

1610.04 Wireless Communications Towers

If tower lighting is required, it shall be the least obtrusive that meets FAA requirements.