



**STAFF REPORT TO THE PLANNING AND ZONING COMMISSION  
DEPARTMENT OF COMMUNITY DEVELOPMENT  
COMMUNITY PLANNING DIVISION  
CASE TYPE – TEXT AMENDMENT**

**Hearing Date** March 13, 2017

**Case Number:** ZONE-16612-2017

**Project Description:** Amend Title 15, Chapter 154, Section 01.07 to add definitions related to accessory dwelling units, amend Title 15, Chapter 154, Section 14.05 to add accessory dwelling units as a prohibited use within the Airport Overlay District and to add Title 15, Chapter 154, Section 15.16 to provide regulations regarding accessory dwelling units.

**Staff recommendation:** Staff recommends **APPROVAL** of the request to amend Title 15, Chapter 154, Section 01.07 to add definitions related to accessory dwelling units, amend Title 15, Chapter 154, Section 14.05 to add accessory dwelling units as a prohibited use within the Airport Overlay District and to add Title 15, Chapter 154, Section 15.16 to provide regulations regarding accessory dwelling units.

**Suggested Motion:** Move to **APPROVE** the request to amend Title 15, Chapter 154, Section 01.07 to add definitions related to accessory dwelling units, amend Title 15, Chapter 154, Section 14.05 to add accessory dwelling units as a prohibited use within the Airport Overlay District and to add Title 15, Chapter 154, Section 15.16 to provide regulations regarding accessory dwelling units.

**Staff Analysis:** The proposed text amendment would allow an accessory dwelling unit (ADU) to be located on a residential property which is currently or is planned to be developed with a single-family residence. Accessory dwellings are also often referred to as an accessory suite, a granny flat, a laneway house, a guest house, a converted pool house, a carriage house and/or a garage apartment.

Accessory dwelling units offer communities a variety of benefits, including an increase in affordable housing and providing homeowners extra income that can assist in mitigating increases in the cost of living. By providing affordable housing options, communities can retain population groups that might otherwise be priced out of the housing market. As infill development, they make efficient use of existing infrastructure and can significantly improve the value of the property.

Currently, accessory dwellings are not permitted in any zoning district within the City of Yuma. While guest houses are permitted, they may not provide cooking facilities and may not be utilized for financial gain. In developing this code, staff looked at best practices from a number of other cities in Arizona.

**1. Does the proposed amendment implement the goals, objectives and policies of the General Plan?**

Yes The Housing Element of the General Plan has identified accessory dwelling units as a strategy for infill development in areas which have already been developed with single-family residences.

**2. Does the proposed amendment fit the overall purpose and intent of the zoning ordinance?**

Yes The amendment fits the overall purpose and intent of the zoning ordinance.

**3. Will the proposed amendment change the range of uses identified in the zoning code? If so, how?**

Yes This amendment will permit the addition of an accessory dwelling unit on a residential lot which has been or will be developed with a single-family residence. Currently, most single-family residential districts limit the ability to utilize an accessory residence for financial gain.

**4. Will the proposed text amendment change the development standards of the zoning or subdivision ordinances? If so, how?**

Yes The proposed amendment will provide additional development standards related to the construction and/or conversion of accessory dwelling units.

**5. What are the potential impacts of the proposed amendment?**

One negative impact that has been identified is the potential harm it could cause if accessory dwelling units were permitted within the noise contours. Both the Marine Corp Air Station and the Yuma County Airport Authority have made it clear that they would not be in favor of increasing residential density within the existing noise contours of the airport overlay. Therefore, staff has modified the proposed amendment to reflect this concern, inhibiting the addition of any accessory dwelling unit within the noise contours.

Positive impacts of the proposed amendment would be the increase in affordable housing options and providing homeowners a way to gain extra income which may assist in mitigating the increases in the cost of living.

**6. Does the proposed amendment fit the overall purpose and intent of the subdivision ordinance?**

N/A

**7. Does the proposed amendment conform to prior City Council actions regarding this issue?**

Yes

**Public Comments Received:** None Received

**External Agency Comments:** See Attachment B

**Neighborhood Meeting Comments:** No Meeting Required

**Proposed conditions delivered to applicant on:** N/A

**Final staff report delivered to applicant on:** N/A

- ☒ No Conditions of Approval
- ☐ Applicant did not agree with the following conditions of approval: (list #'s)
- ☐ If the Planner is unable to make contact with the applicant – describe the situation and attempts to contact.

**Attachments:**

<b>A</b>	<b>B</b>	<b>C</b>
Draft Text	External Agency Comments	Staff Research

**Project Planner:** Alyssa Linville, (928) 373-5000, [Alyssa.Linville@YumaAz.gov](mailto:Alyssa.Linville@YumaAz.gov)  
Senior Planner ext. 3037

**Prepared By:**   
Alyssa Linville, Senior Planner

**Date:** 02/16/17

**Reviewed By:**   
Bob Blevins, Principal Planner

**Date:** 2/16/17

**Approved By:**   
Laurie L. Lineberry, AICP,  
Community Development Director

**Date:** 2.16.17

## ATTACHMENT A

### DRAFT TEXT

That the Yuma City Code, Title 15, Chapter 154, Section: 01.07 Definitions be amended insert the following text:

**ACCESSORY DWELLING.** An additional dwelling unit established in conjunction with a single-family dwelling on the same lot. An accessory dwelling is a site-built unit on a permanent foundation featuring a kitchen, sleeping and full bathroom facilities; the accessory dwelling is subordinate in size and intensity in comparison to the principle dwelling unit. An accessory dwelling unit may also be referred to as a guest house, a converted pool house, a carriage house and/or a garage apartment.

**SITE BUILT.** A structure constructed entirely or largely on-site; that is, built on the site which it is intended to occupy upon its completion rather than in a factory or similar facility.

That the Yuma City Code, Title 15, Chapter 154, Section: 05.01 Agriculture District (AG) be amended insert the following bolded text:

(C)   **(5)      Accessory dwelling units**

That the Yuma City Code, Title 15, Chapter 154, Section: 05.02 Suburban Ranch Districts (SR-1, SR-2, SR-3 and SR-4) be amended insert the following bolded text:

(D)   **(5)      Accessory dwelling units**

That the Yuma City Code, Title 15, Chapter 154, Section: 05.03 Residential Estates Districts (RE-12, RE-18 and RE-20) be amended insert the following bolded text:

(D)   **(6)      Accessory dwelling units**

That the Yuma City Code, Title 15, Chapter 154, Section: 05.04 Low-Density Residential Districts (R-1-6, R-1-8, R-1-12, R-1-20 and R-1-40) be amended insert the following bolded text:

(D)   **(5)      Accessory dwelling units**

That the Yuma City Code, Title 15, Chapter 154, Section: 05.07.01 Medium Density Residential District (R-2), be amended insert the following bolded text:

(D)   **(4)      Accessory dwelling units**

That the Yuma City Code, Title 15, Chapter 154, Section: 05.07.03 High Density Residential District (R-3), be amended insert the following bolded text:

(D)   **(4)      Accessory dwelling units**

That the Yuma City Code, Title 15, Chapter 154, Section: 05.08 Transitional District (TR), be amended insert the following bolded text:

(C)   **(4)      Accessory dwelling units**

That the Yuma City Code, Title 15, Chapter 154, Section 14.05 Airport Overlay District (AO) be amended to insert the following bolded text:

<i>Table No. 2 – Airport Overlay District Land Use Matrix</i>							
<i>Land Use Category</i>	<i>65-70dB</i>	<i>70-75dB</i>	<i>75-80dB</i>	<i>*80dB+</i>	<i>APZ-2</i>	<i>APZ-1</i>	<i>Clear Zone</i>
<i>(Y=yes / N=no)</i>							
<b>Residential</b>							
Single-family agricultural residential	Y	N	N	N	N	N	N
<b>Accessory dwelling units</b>	<b>N</b>	<b>N</b>	<b>N</b>	<b>N</b>	<b>N</b>	<b>N</b>	<b>N</b>

That the Yuma City Code, Title 15, Chapter 154, Article 15 General Provisions be amended to insert the following subsection:

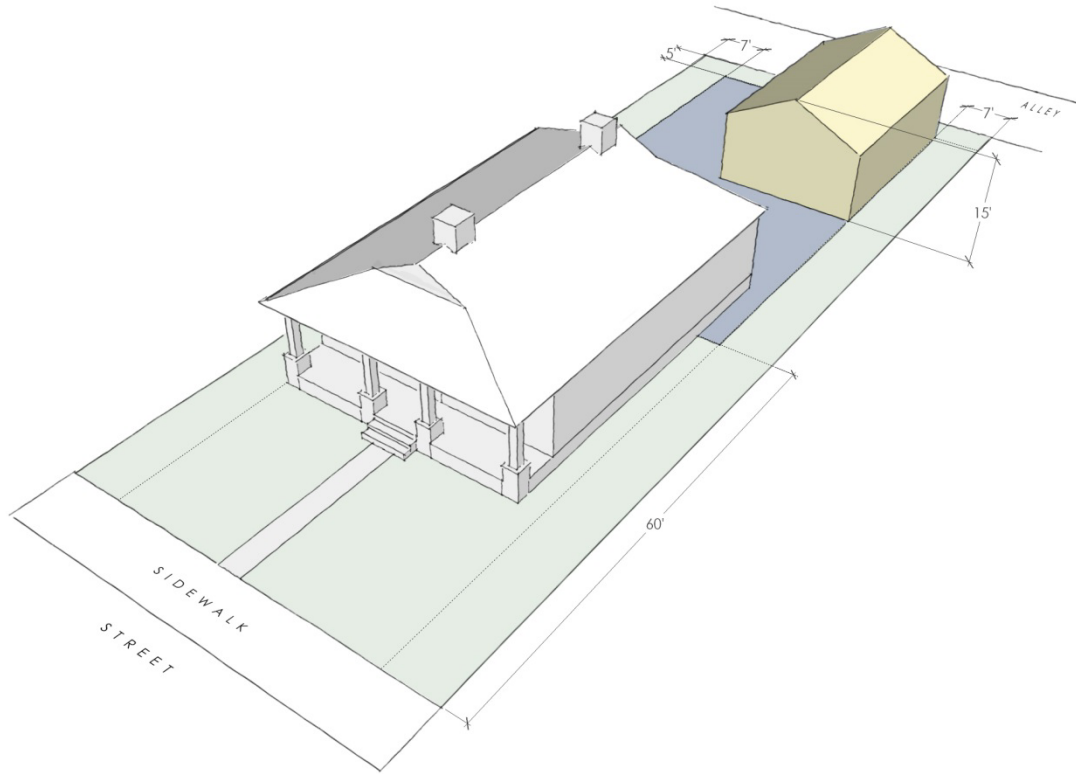
**§154-15.16 Accessory Dwellings, Carriage Houses and Garage Apartments in Residential Districts.**

- (A) *Applicability.* One accessory dwelling is permitted as a subordinate to an existing or planned single-family dwelling unit, provided that the provisions below are met.
- (B) *Accessory Uses.* Accessory dwellings may be used for home occupations in compliance with Section 154-15.08.
- (C) *Accessory Dwellings.* Accessory dwellings are subject to the following standards:
  - (1) *Use.* Permitted on certain residentially zoned properties which currently have or will have a single-family residence. The construction of an accessory dwelling will require consent from all adjacent property owners. Only one (1) unit will be permitted for each property; the accessory dwelling must be detached from the primary residence.
  - (2) *Lot size.* Accessory dwellings are permitted on lots that meet the minimum lot size requirement for the zoning district they are located.
  - (3) *Lot coverage.* Accessory dwellings are permitted to increase the lot coverage of the applicable zoning district by 5%.
  - (4) *Setback.*
    - (a) Accessory dwellings shall be located sixty (60) feet from the front property line, in addition to complying with the side and rear yard setbacks of the applicable zoning district.
    - (b) If the accessory dwelling is being accessed from an alley, the rear yard setback may be reduced to five (5) feet.
  - (5) *Unit size.*
    - (a) Each accessory dwelling shall have a minimum size of 200 square feet.
    - (b) The maximum permitted size of an accessory dwelling based upon lots measuring 6,000 – 15,000 square feet in size is:
      - 1. Lot size measuring between 6,000 square feet to 7,500 square feet allows for a maximum size unit of 600 square feet.

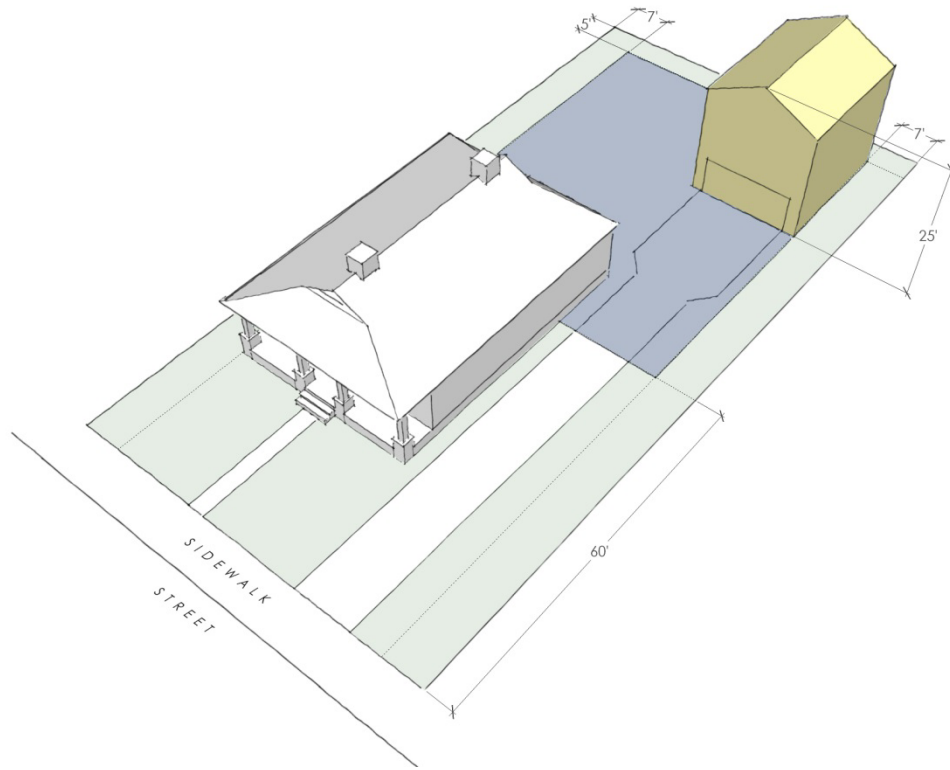
2. Lot size measuring between 7,501 square feet to 10,000 square feet allows for a maximum size unit of 800 square feet.
  3. Lot size measuring 10,001 square feet to 15,000 square feet allows for a maximum size unit of 1,000 square feet.
  4. Accessory dwellings on lots measuring between 6,000 – 15,000 square feet shall meet unit sizes noted above and shall not exceed 50% of the total square footage of the primary residence, whichever is less.
- (c) Accessory dwellings on lots measuring greater than 15,000 square feet allow for a maximum size unit of 1,200 square feet or a unit size not exceeding 50% of the total square footage of the primary residence, whichever is greater.
- (6) *Height.* The maximum allowable building height shall be 15 feet for a single-story unit. Dwelling units which are located above a detached garage (carriage house or garage apartment) shall not exceed a total building height of 25 feet. See illustration 16-1.
  - (7) *Parking.* Required off-street parking for the principal dwelling unit must be maintained or established.
  - (8) *Owner occupancy.* It is required that the property owner reside on the property, whether it be in the principal or accessory dwelling unit. Owner occupancy is intended to help protect the stability and character of a neighborhood. A deed restriction shall be recorded against the property requiring owner occupancy of one of the units on the site.
- The property owner shall sign and the City shall record a deed restriction for the accessory dwelling pursuant to the City of Yuma Code.
- (9) *Design.* Accessory dwellings will be required to incorporate the same or similar exterior colors, architectural detailing, and exterior materials, including window style, as the principal residence. The design of all accessory dwellings or carriage houses shall be reviewed by staff upon the submittal of an application.
- Any accessory dwelling located in a historic district will require approval from the Design and Historic Review Commission.
- An appeal, heard and decided by the Planning & Zoning Commission, is required when a proposed accessory dwelling unit does not meet these design requirements.
- (10) *Pre-existing units.* An accessory dwelling that existed prior to the adoption of this ordinance, may be legally established and continue to be utilized as a dwelling unit if the following conditions are met:
    - (a) The property owner must file an application for the accessory dwelling. The Zoning Administrator may waive certain requirements, if said requirements are unfeasible to achieve in bringing a pre-existing unit into compliance.
    - (b) Prior to the establishment of a conforming pre-existing dwelling unit, the property owner shall allow inspection of the unit by the City of Yuma in order to ensure the minimum requirements relating to fire, life safety, and public health are met.

- (c) A pre-existing unit shall remain non-conforming until an application has been applied for and approved legalizing the existing accessory dwelling.
- (d) The property owner shall obtain a deed restriction for the accessory dwelling pursuant to the City of Yuma Code.

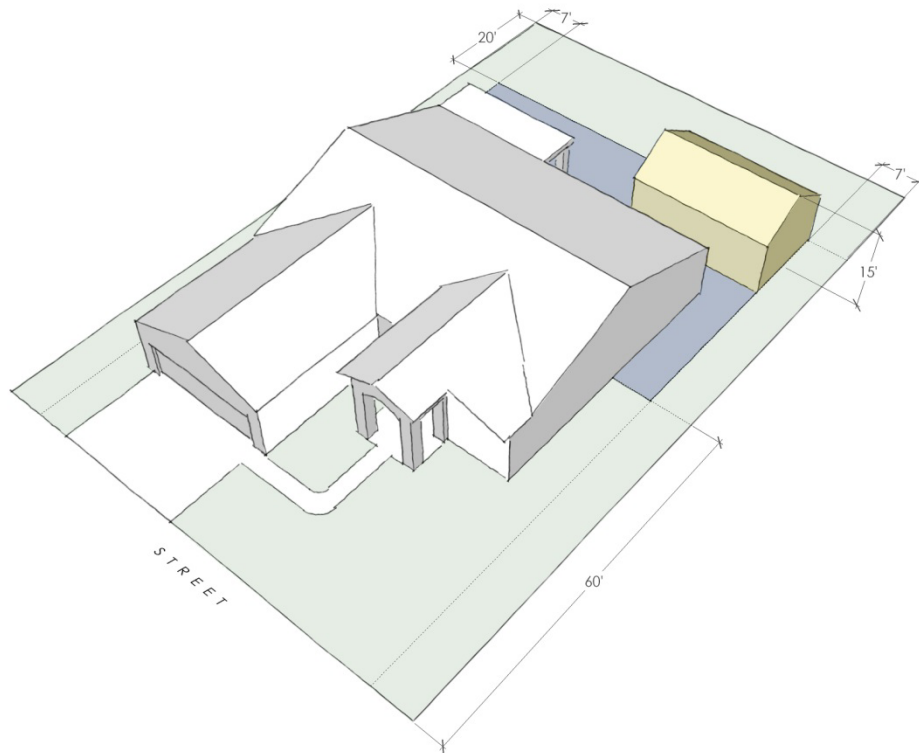
(D) Accessory Dwelling Examples.



Accessory Dwelling (Alley Access)



Accessory Dwelling (Garage Apartment w/ Alley Access)



Accessory Dwelling (Modern Suburban Subdivision)



**ATTACHMENT B**  
**EXTERNAL AGENCY COMMENTS**

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Conditions of approval must be written in the form of a formal condition for use in staff's report. Your conditions will be used verbatim. If you also have a comment, please indicate below.

☒ Condition(s)

☐ No Condition(s)

☒ Comment

Enter conditions here: Arizona Revised Statutes 28-8481 and the City of Yuma Zoning Ordinance regulate the density within the noise contours and safety areas of the airport district. It is requested that wording be added that accessory dwelling units are prohibited from being developed within clear zones, accident potential zones, noise contours and the high noise or accident potential zones as defined in ARS 28-8461 and City of Yuma Zoning Ordinance. Thank you for the opportunity to comment.

DATE: 2/2/2017 NAME: Gen Grosse TITLE: Community/Public Relations  
CITY DEPT: Yuma County Airport Authority  
PHONE: (928) 726-5882  
RETURN TO: Alyssa Linville  
Alyssa.Linville@YumaAZ.gov

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☒ COMMENT

☐ NO COMMENT

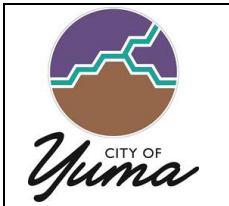
*Enter comments below:*

First of all, thank you for the opportunity to comment on this important matter.

The Yuma County Zoning Ordinance contains provisions for Accessory Dwelling Units (ADU) already in place. ADU in all residential zoning districts are allowed with an approved special use permit. The development standards for ADU in Yuma County Zoning Ordinance are more relaxed than the ones been expressed in this text amendment. Again, deviations from this requirements been proposed, could be obtained via a variance. The zoning section praises this proposed text amendment, since it homogenized both ordinances, on regards of terms.

DATE: 2/2/17 NAME: Javier Barraza TITLE: Senior Planner  
AGENCY: Yuma County, Development Services, Planning Section  
PHONE:  
RETURN TO: Alyssa Linville  
Alyssa.Linville@YumaAZ.gov

**ATTACHMENT C**  
**STAFF RESEARCH**



## STAFF RESEARCH – TEXT AMENDMENT

CASE #: ZONE-16612-2017  
CASE PLANNER: ALYSSA LINVILLE

### I. PROJECT DATA

Project Location:	City Wide
Applicant:	N/A
Applicant's Agent:	City of Yuma
Prior Cases or Related Actions:	None

Type	Conforms			Cases, Actions or Agreements
Pre-Annexation Agreement	Yes		No	N/A
Annexation	Yes		No	N/A
General Plan Amendment	Yes		No	N/A
Development Agreement	Yes		No	N/A
Rezone	Yes		No	N/A
Subdivision	Yes		No	N/A
Conditional Use Permit	Yes		No	N/A
Pre-Development Meeting	Yes		No	Date: N/A
Enforcement Actions	Yes		No	N/A

### PROPOSED TEXT CHANGE

City Wide?		Yes	X	No											
Zoning District(s):		Agriculture District (AG), Suburban Ranch Districts (SR-1, SR-2, SR-3 and SR-4), Residential Estate Districts (RE-12, RE-18 and RE-20), Low-Density Residential Districts (R-1-6, R-1-8, R-1-12, R-1-20 and R-1-40), Medium Density Residential District (R-2), High Density Residential District (R-3) and Transitional District (TR).													
Zoning Overlay:		Public		AO		Auto		B&B		Historic		None	X		
	Airport	Noise Contours	65-70		70-75		75+		APZ1		APZ2		CLEAR ZONE		
Other:		N/A													

### II. TEXT AMENDMENT

**Staff Analysis:** The proposed text amendment would allow an accessory dwelling unit (ADU) to be located on a residential property which is currently or is planned to be developed with a single-family residence. Accessory dwellings are also often referred to as an accessory suite, a granny flat, a laneway house, a guest house, a converted pool house, a carriage house and/or a garage apartment.

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single-family dwelling unit, provided that the provisions below are met.

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Dwelling units which are located above a detached garage (carriage house or garage apartment) shall not exceed a total building height of 25 feet. See illustration 16-1.

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The property owner shall sign and the City shall record a deed restriction for the accessory dwelling pursuant to the City of Yuma Code.

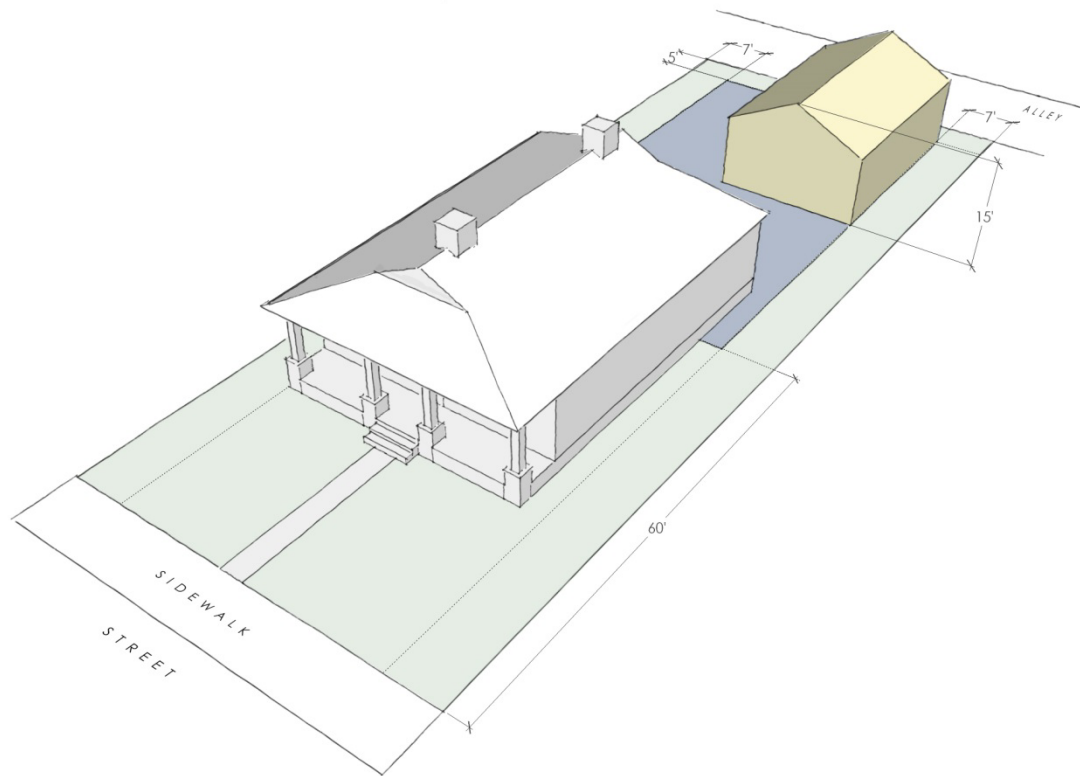
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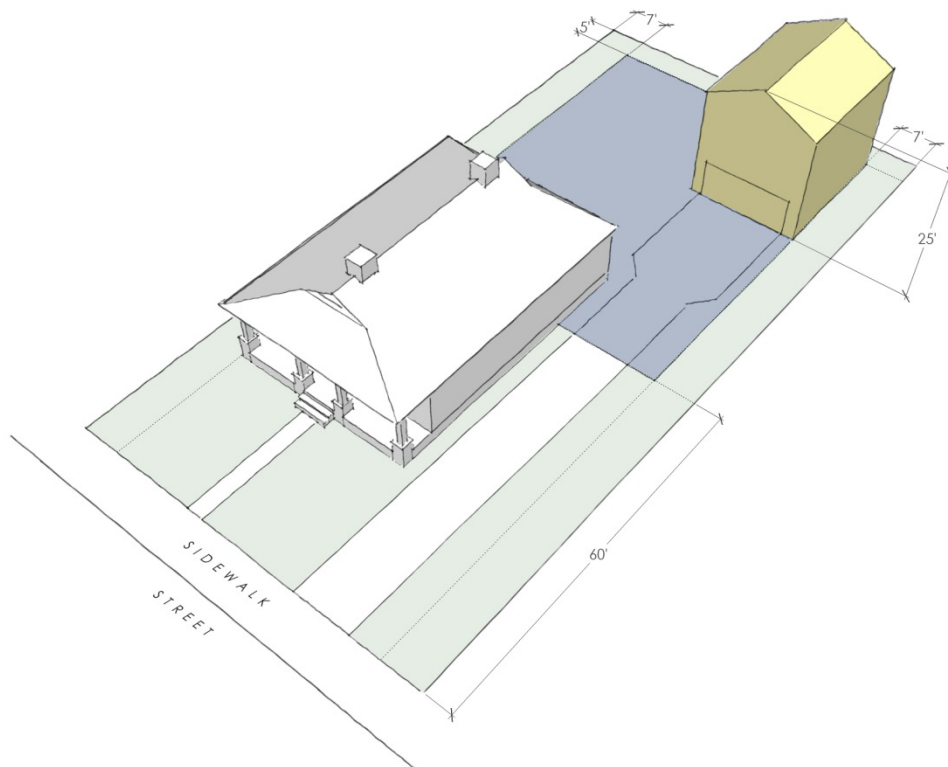
An appeal, heard and decided by the Planning & Zoning Commission, is required when a proposed accessory dwelling unit does not meet these design requirements.

- (10) *Pre-existing units.* An accessory dwelling that existed prior to the adoption of this ordinance, may be legally established and continue to be utilized as a dwelling unit if the following conditions are met:
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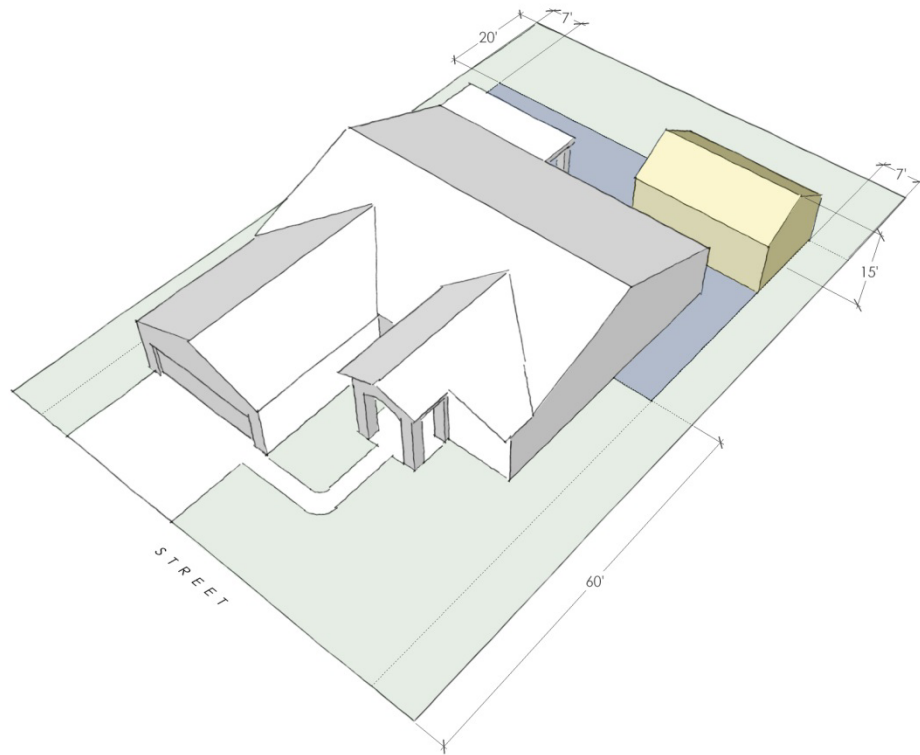
(D) Accessory Dwelling Examples.



Accessory Dwelling (Alley Access)



Accessory Dwelling (Garage Apartment w/ Alley Access)



Accessory Dwelling (Modern Suburban Subdivision)

**1) Will the proposed amendment change the range of uses identified in the zoning code? If so, how?**

Yes. The proposed amendment will allow additional housing development to occur where it is not currently permitted. Currently, guest houses are permitted, as long as they do not provide cooking facilities and are not utilized for financial gain.

**2) Will the proposed text amendment change the development standards of the zoning or subdivision ordinances? If so, how?**

Yes. The amendment will change the development standards as identified in the Zoning Code such that it provides options for the placement of accessory dwellings on certain residential properties. The proposed amendment will outline the development standards required of these structures.

**3) What are the potential impacts of the proposed amendment?**

No potential negative impacts have been identified with the proposed text amendment.

Potential positive impacts are:

- Increase affordable housing supply
- Provide supplemental income for property owners
- Increase residential density



## NOTIFICATION

- **Legal Ad Published:** The Sun (02/17/17)
- **34 Commenting/Reviewing Agencies noticed:** (01/23/17)
- **Hearing Date:** (03/13/17)
- **Comments due:** (02/06/17)

<b>External List (Comments)</b>	<b>Response Received</b>	<b>Date Received</b>	<b>"No Comment"</b>	<b>Written Comments</b>	<b>Comments Attached</b>
Yuma County Airport Authority	Yes	02/02/17		X	X
Yuma County Engineering	NR				
Yuma County Public Works	NR				
Yuma County Water Users	Yes	01/30/17	X		
Yuma County Planning & Zoning	Yes	02/02/17		X	X
Arizona Public Service	NR				
Time Warner Cable	NR				
Southwest Gas	NR				
Qwest Communications	NR				
Bureau of Land Management	NR				
YUHS District #70	NR				
Yuma Elem. School District #1	NR				
Crane School District #13	NR				
A.D.O.T.	NR				
Yuma Irrigation District	Yes	01/27/17	X		
Arizona Fish and Game	NR				
USDA – NRCS	NR				
United States Postal Service	NR				
Yuma Metropolitan Planning Org.	NR				
El Paso Natural Gas Co.	NR				
Western Area Power Administration	NR				
<b>City of Yuma Internal List (Conditions)</b>	<b>Response Received</b>	<b>Date Received</b>	<b>"No Conditions"</b>	<b>Written Conditions</b>	<b>Comments Attached</b>
Rod Hamilton, Police	NR				
Ron Ramirez, Parks	NR				
Damon Chango, Parks	NR				
Andrew McGarvie, Engineering	NR				
Kayla Holiman, Fire	Yes	01/30/17	X		
Randy Crist, Building Safety	NR				
Jim Hamersley, ITS	NR				
Josh Scott, Engineering	NR				
Jonathan Fell, Traffic Engineering	Yes	01/27/17	X		
MCAS / C P & L Office	Yes	02/02/17			X
Jay Simonton, Utilities	NR				
Joel Olea, Public Works	NR				
Joel Olea, Streets	NR				

<b>Neighborhood Meeting</b>	<b>Comments Available</b>
(Date Held or None Required)	See Staff Report Attachment (or N/A)

**PUBLIC COMMENTS RECEIVED:** NONE RECEIVED

## INTERNAL AGENCY COMMENTS

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Conditions of approval must be written in the form of a formal condition for use in staff's report. Your conditions will be used verbatim. If you also have a comment, please indicate below.

☒ Condition(s)

☐ No Condition(s)

☒ Comment

Enter conditions here: Arizona Revised Statutes 28-8481 and the City of Yuma Zoning Ordinance regulate the density within the noise contours and safety areas of the airport district. It is requested that wording be added that accessory dwelling units are prohibited from being developed within clear zones, accident potential zones, noise contours and the high noise or accident potential zones as defined in ARS 28-8461 and City of Yuma Zoning Ordinance. Thank you for the opportunity to comment.

DATE: 2/2/2017 NAME: Paula L. Backs TITLE: Community Liaison Specialist  
CITY DEPT: MCAS YUMA AZ  
PHONE: (928) 269-2103  
RETURN TO: Alyssa Linville  
Alyssa.Linville@YumaAZ.gov

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