

ORDINANCE NO. O2017-013

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF YUMA,
ARIZONA, AMENDING CHAPTER 154 OF THE YUMA CITY CODE,
AS AMENDED, RELATING TO ZONING REGULATIONS,
PROVIDING FOR CHANGES TO THE ZONING CODE TO PROVIDE
DEFINITIONS RELATED TO ACCESSORY DWELLING UNITS AND
TO ADD REGULATIONS REGARDING ACCESSORY DWELLING
UNITS THEREOF**

WHEREAS, from time to time it may be desirable to modify the zoning code keeping within the context of a dynamic and growing community; and,

WHEREAS, the City of Yuma Planning and Zoning Commission held a public hearing on March 13, 2017 in Zoning Case no: ZONE-16612-2017 in the manner prescribed by law for the purpose of amending the City of Yuma Zoning Code; and,

WHEREAS, due and proper notice of the public hearing was given in the time, form, substance and manner provided by law, including publication of notice of the hearing in the Yuma Sun on February 17, 2017; and,

WHEREAS, the City Council has considered the recommendation of the Planning and Zoning Commission to approve the rezoning in Case No: ZONE-16612-2017 and finds that the zoning code text amendment supports the goals and objectives of the Yuma General Plan, and is in basic harmony with the goals and objectives of the City of Yuma Zoning Code.

NOW THEREFORE, BE IT ORDAINED by the City Council of the City of Yuma as follows:

SECTION 1: That the Yuma City Code, Title 15, Chapter 154, Section: 01.07 Definitions be amended to insert the bolded text thereof:

***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.**

SECTION 2: That the Yuma City Code, Title 15, Chapter 154, Section: 05.01 Agriculture District (AG) be amended insert the following bolded text in subsection (C) thereof:

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

SECTION 3: 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 in subsection (D) thereof:

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

SECTION 4: 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 in subsection (D) thereof:

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

SECTION 5: 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 in subsection (D) thereof:

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

SECTION 6: 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 in subsection (D) thereof:

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

SECTION 7: 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 in subsection (D) thereof:

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

SECTION 8: That the Yuma City Code, Title 15, Chapter 154, Section: 05.08 Transitional District (TR), be amended insert the following bolded text in subsection (C) thereof:

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

SECTION 9: That the Yuma City Code, Title 15, Chapter 154, Section 14.05 Airport Overlay District (AO) be amended to insert the following bolded text in Table No. 2 thereof:

<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>							
Residential							
Single-family agricultural residential	Y	N	N	N	N	N	N
Accessory dwelling units	N	N	N	N	N	N	N

SECTION 10: That the Yuma City Code, Title 15, Chapter 154, Article 15 General Provisions be amended to insert the following subsection thereof:

§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.

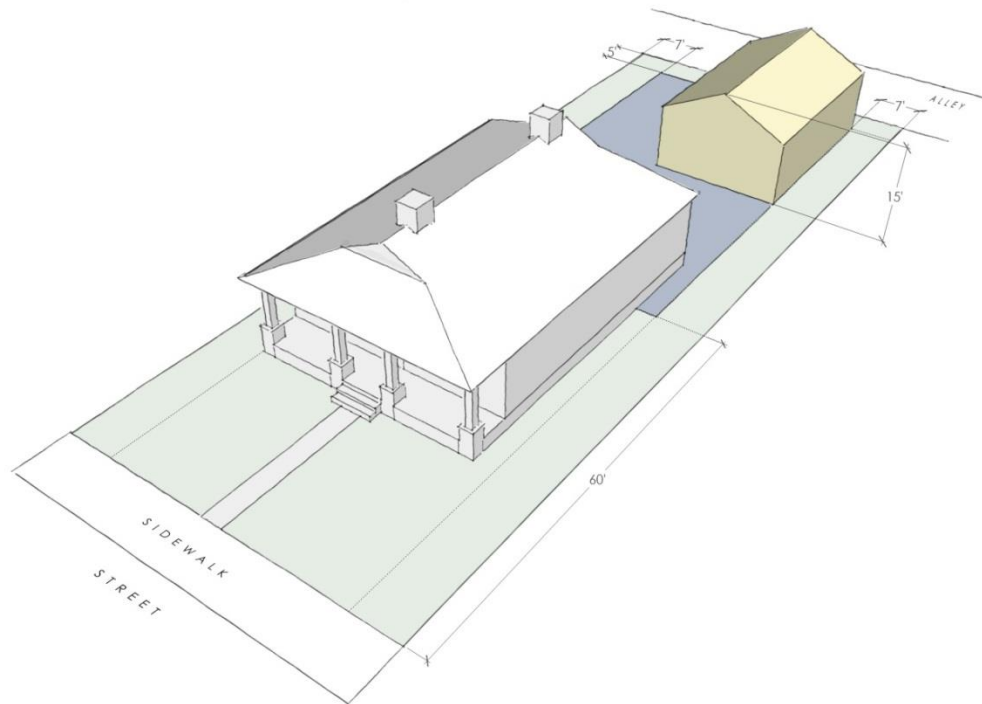
Any accessory dwelling located in a historic district will require approval from the Design and Historic Review Commission.

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

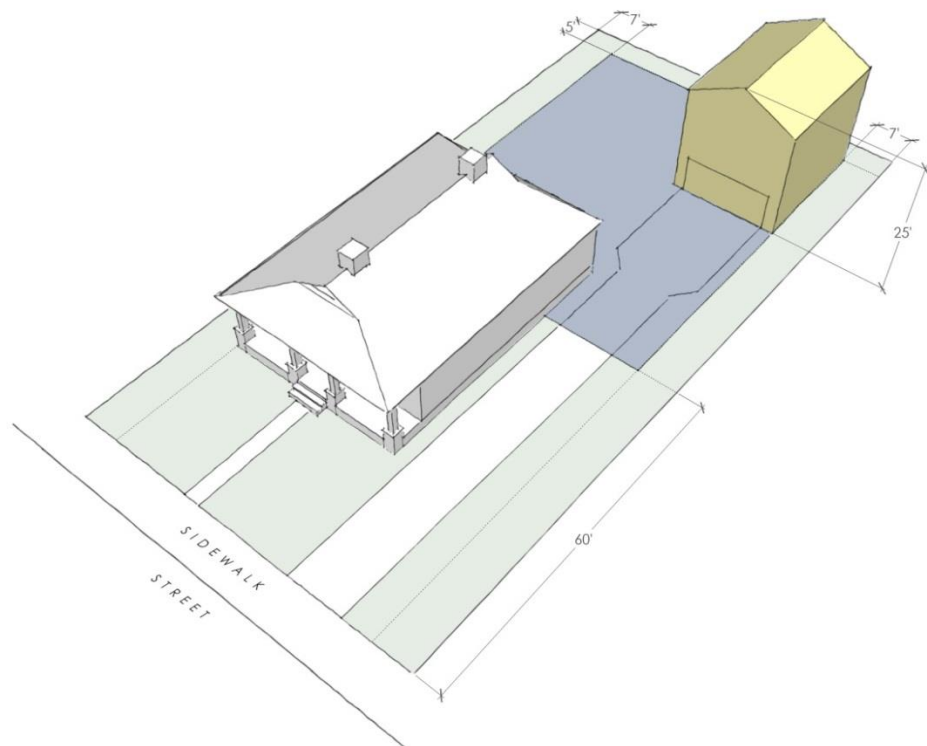
- (10) *Pre-existing units.* An accessory dwelling that existed prior to the adoption of this ordinance, may be legally established and continue to be utilized as a dwelling unit if the following conditions are met:

- (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.

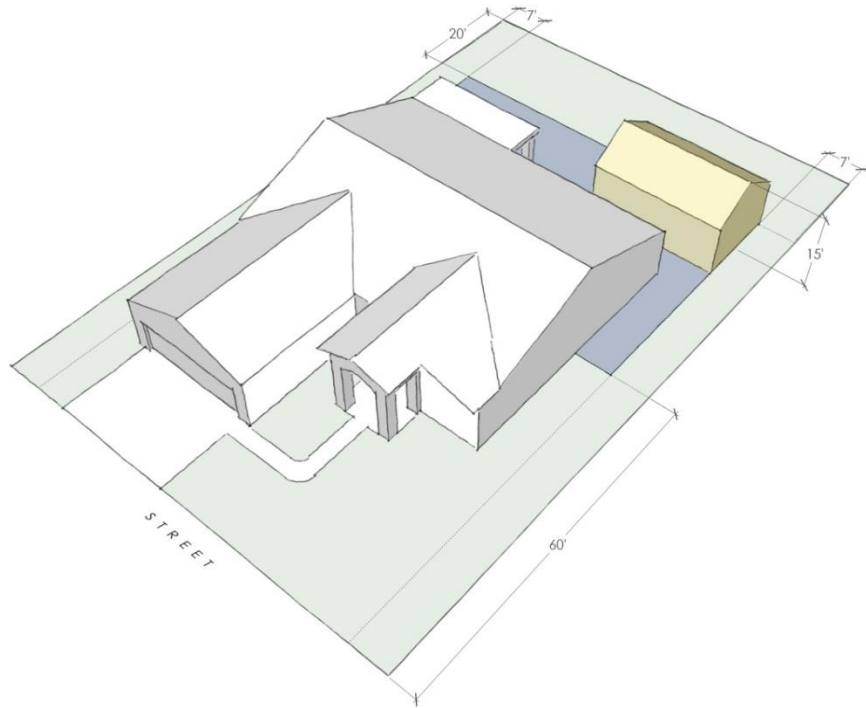
(D) Accessory Dwelling Examples.



Accessory Dwelling (Alley Access)



Accessory Dwelling (Garage Apartment w/ Alley Access)



Accessory Dwelling (Modern Suburban Subdivision)

SECTION 11: It shall be unlawful for any person, firm or corporation to violate, or cause the violation of, any provision of this ordinance. Any person, firm or corporation violating any of the provisions in this ordinance shall be guilty of a class 1 misdemeanor, and upon conviction thereof shall be punished by a fine not to exceed \$1,000 or by imprisonment for not more than ten days or both fine and imprisonment. Each separate day or part thereof during which any violation of this ordinance occurs or continues shall be deemed to constitute a separate offense, and upon conviction thereof shall be punishable as herein provided.

Adopted this _____ day of _____, 2017.

APPROVED:

Douglas J. Nicholls
Mayor

ATTESTED:

Lynda L. Bushong
City Clerk

APPROVED AS TO FORM:

Richard W. Files
City Attorney