

ORDINANCE NO. O2019-022

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 THE ADDITION OF DEFINITIONS AND REGULATIONS FOR COMPANY HOUSING WITHIN THE CITY OF YUMA 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 April 22, 2019 in Zoning Case no: ZONE-24725-2019 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 March 15, 2019; and,

WHEREAS, the City Council has considered the recommendation of the Planning and Zoning Commission to approve the rezoning in Case No: ZONE-24725-2019 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: Yuma City Code, Title 15, Chapter 154, Section 01.07 Definitions is amended to insert the following text:

COMPANY HOUSING. Seasonal or temporary housing made available to an employee by commercial entities, industries or labor contractors.

- a) ***COMPANY HOUSING UNIT (SMALL).*** Housing provided to an employee and their households by a commercial entity, labor contractor or employer; no more than two (2) occupants shall be permitted in each bedroom, with a maximum of six (6) occupants per unit. A company housing unit (small) allows for a maximum of 12 occupants per complex.
- b) ***COMPANY HOUSING UNIT (LARGE).*** Housing provided to employees by a commercial entity, labor contractor or employer. Occupancy for a large complex shall be determined by the Property Maintenance Code.
- c) ***COMPLEX.*** A group of similar buildings or facilities on the same or adjacent sites.

- d) **EXISTING CONVERSION.** A company housing complex that was legally established prior to the adoption of this ordinance.
- e) **FIRE CODE** as adopted and amended by the City of Yuma. A code that addresses fire and life safety for the public and provides property protections in new and existing buildings.
- f) **GREEN SPACE.** An area of grass, trees, or other vegetation set apart for recreational or aesthetic purposes.
- g) **HOUSING OCCUPANCY REGULATIONS.** Rules of conduct for occupants of company housing enforced by the property owner, lessee of the property, on-site manager, and/or other applicable party.
- h) **LEGALLY ESTABLISHED.** A use that had been reviewed and approved in accordance with the International Property Maintenance Code (IPMC), prior to the adoption of this ordinance.
- i) **NEW CONSTRUCTION.** A development constructed after the adoption of this ordinance.
- j) **NEW CONVERSION:** A development, such as an apartment complex or motel that was constructed on or prior to the adoption of this ordinance, which is being converted for the use of company housing.
- k) **NFPA 101 LIFE SAFETY CODE**, as amended. A code developed by the National Fire Protection Agency that addresses life safety for building occupants.
- l) **PROPERTY MAINTENANCE CODE**, as amended: The International Property Maintenance Code (IPMC) adopted by the City and enforced through the Building Safety Division of the Department of Community Development.
- m) **RECREATION FACILITY, INDOOR.** A facility within a building designed and equipped for the conduct of sports and other leisure time activities. Indoor recreation facilities may include fitness centers, swimming pools, billiard tables, a media lounge or similar types of indoor recreation.
- n) **RECREATION FACILITY, OUTDOOR.** A facility wholly or partially open to the weather designed and equipped for the conduct of sports and other leisure time activities. Outdoor recreation facilities include tennis courts, swimming pools, basketball courts, ball fields or similar types of outdoor recreation.
- o) **TRANSITORY PERSON.** A visitor or person who rents or uses a lodging or dwelling unit, or portion thereof, for less than 210 days and whose permanent

address for legal purposes is not the lodging or dwelling unit occupied by the visitor.

SECTION 2: Yuma City Code, Title 15, Chapter 154, Section: 05.01 Agriculture District (AG) is amended to insert the following bolded text:

- (B) **(15) New construction company housing complex (large); per section §154-15.19 of this chapter;**
 - (a) **Requires a minimum parcel size of 20 acres.**
- (D) **(11) Company housing complex (small); per section §154-15.19 of this chapter; and**
 - (a) **Required if the parcel size is less than 20 acres.**
- (12) New construction company housing complex (large); per section §154-15.19 of this chapter;**
 - (a) **Required if the parcel size is less than 20 acres.**

SECTION 3: 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) is amended to insert the following bolded text:

- (E) **(6) Company housing complex (small); per section §154-15.19 of this chapter.**

SECTION 4: Yuma City Code, Title 15, Chapter 154, Section: 05.05 Low Density Single-Family District (R-1-5) is amended to insert the following bolded text:

- (E) **(3) Company housing complex (small); per section §154-15.19 of this chapter.**

SECTION 5: Yuma City Code, Title 15, Chapter 154, Section: 07.01 Medium Density Residential District (R-2) is amended to insert the following bolded text:

- (E) **(7) Company housing complex (small); per section §154-15.19 of this chapter.**

SECTION 6: Yuma City Code, Title 15, Chapter 154, Section: 07.02 Medium Density Single-Family Residential District (R-2-5) is amended to insert the following bolded text:

- (E) **(2) Company housing complex (small); per section §154-15.19 of this chapter.**

SECTION 7: Yuma City Code, Title 15, Chapter 154, Section: 07.03 High Density Residential District (R-3) is amended to insert the following bolded text:

- (C) (10) **New conversion company housing complex (large); per section § 154-15.19 of this chapter.**
- (11) **New construction company housing complex (large); per section § 154-15.19 of this chapter and the requirements indicated below:**
 - (a) **Property must be adjacent to a 4-lane minor arterial roadway, a 4-lane principal arterial roadway, or a 6-lane principal arterial roadway as classified by the 2014 Transportation Master Plan.**
- (E) (10) **Company housing complex (small); per section §154-15.19 of this chapter.**

SECTION 8: Yuma City Code, Title 15, Chapter 154, Section: 08.04 General Commercial District (B-2) is amended to insert the following bolded text thereof:

- (B) (29) **New conversion and new construction company housing complex (large); per section §154-15.19 of this chapter.**

SECTION 9: Yuma City Code, Title 15, Chapter 154, Article 15 General Provisions is amended to insert the following subsection thereof:

§154-15.19 Company Housing Complex in Agriculture, Residential and Commercial Districts.

- (A) *Company Housing Complex (Small).* Company housing complexes are subject to the following standards:
 - (1) *Development standards.* Company housing complexes must meet all development standards required for the designated zoning district.
 - (2) *Distance.* Establishments of this type located within any zoning district shall not be located within 1,000 feet of another company housing complex.
 - (3) *Parking.* Shall comply with the parking required of multiple-dwellings (refer to §154-16.07.FF.03).
 - (a) The parking and/or idling of vehicles, used for pick-up, on public streets shall be prohibited.

- (4) *Beds.* Each occupant shall be required to have or be provided their own bed.
- (5) *Regulations.* Housing occupancy regulations are required of all company housing complexes. A copy of the regulations is required with the application of a Conditional Use Permit (CUP).
- (6) *Annual inspection.* An annual (yearly) inspection of the company housing complex will be performed by the Building Official and/or the Fire Marshal, prior to occupancy. The purpose of the inspection is to ensure that all requirements outlined in the Property Maintenance Code, the Fire Code, the NFPA 101 Life Safety Code, and any CUP are being met.
- (7) *Notification.* All company housing complexes are required to have property manager contact information posted on-site with visibility and access by the general public.

(B) *New Company Housing Complex Conversion (Large).* Company housing complex conversions are subject to the following standards:

- (1) *Applicability.* The following development standards shall apply to those developments which were constructed on or prior to the adoption of this ordinance and are being converted for the use of company housing.
- (2) *Occupancy.* The Building Official, utilizing the Property Maintenance Code, shall determine occupancy for an existing development, which is being converted for the use of company housing.
- (3) *Distance.* There is no distance separation requirement for a new conversion company housing complex (large).
- (4) *Parking.* Shall comply with the parking required of multiple-dwellings (refer to §154-16.07.FF.03).
 - (a) Shall provide dedicated on-site bus parking for loading and unloading of residents with a minimum of one bus parking space for each 50 residents.
 - (b) The parking and/or idling of vehicles, used for pick-up, on public streets shall be prohibited.

- (c) The Zoning Administrator shall have the authority to approve off-site pick-up locations as an alternative to providing on-site bus parking when such alternatives are available.
 - (d) If on-site parking area is to be utilized for outdoor recreation space, a deed restriction will be required in order to ensure that such parking area be reestablished upon conversion to a standard housing development.
- (5) *Beds.* Each occupant shall be required to have or be provided their own bed.
- (6) *Amenities.* It is required that each company housing complex conversion (large) provide the following amenities:
 - (a) Indoor recreation facility;
 - (b) Outdoor recreation facility; and
 - 1. Facility shall include at least one of the following:
 - i. Sporting court and/or field
 - ii. Ramada(s)
 - iii. BBQ grill(s)
 - 2. On-site outdoor recreation facility will not be required if the property is within 1,500 feet of a public park which provides one of the above amenities.
 - 3. Each new conversion company housing complex (large) shall utilize 10% of the property for outdoor recreation facilities/open space.
 - (c) On-site laundry facilities.
- (7) *Management.* A complex, housing twenty-five (25) or more occupants requires the presence of a crew chief or supervisor on-site.
- (8) *Annual inspection.* An annual (yearly) inspection of the corporate housing complex will be performed by the Building Official and/or the Fire Marshal, prior to occupancy. The purpose of the inspection is to ensure that all requirements

outlined in the Property Maintenance Code, the Fire Code, the NFPA 101 Life Safety Code, and any CUP are being met.

- (9) *Notification.* All company housing complexes are required to have property manager contact information posted on-site with visibility and access by the general public.

- (C) *New Construction Company Housing Complex (Large).* Company housing complexes are subject to the following standards:

- (1) *Applicability.* The following development standards shall apply to those developments which are constructed after the adoption of this ordinance.
- (2) *Occupancy.* The Building Official, utilizing the Property Maintenance Code, shall determine occupancy for each unit of the development.
- (3) *Distance.* There is no distance separation requirement for new construction of a company housing complex (large).
- (4) *Parking.* Shall comply with the parking required of multiple-dwellings (refer to §154-16.07.FF.03).
 - (a) Shall provide dedicated on-site bus parking for loading and unloading of residents with a minimum of one bus parking space for each 50 residents.
 - (b) The parking and/or idling of vehicles, used for pick-up, on public streets shall be prohibited.
 - (c) The Zoning Administrator shall have the authority to approve off-site pick-up locations as an alternative to providing on-site bus parking when such alternatives are available.
 - (d) If on-site parking area is to be utilized for outdoor recreation space, a deed restriction will be required in order to ensure that such parking area be reestablished upon conversion to a standard housing development.
- (5) *Beds.* Each occupant shall be required to have or be provided their own bed.

(6) *Amenities.* It is required that each new construction company housing complex (large) provide the following amenities:

(a) Indoor recreation facility;

(b) Outdoor recreation facility; and

1. Facility shall include at least one of the following:

i. Sporting court and/or field

ii. Ramada(s)

iii. BBQ grill(s)

2. On-site outdoor recreation facility will not be required if the property is within 1,500 feet of a public park which provides one of the above amenities.

3. Each new construction company housing complex (large) shall utilize 10% of the property for outdoor recreation facilities and green space.

(c) On-site laundry facilities.

(7) *Management.* A complex, housing twenty-five (25) or more occupants requires the presence of a crew chief or supervisor on-site.

(8) *Annual inspection.* An annual (yearly) inspection of the company housing complex will be performed by the Building Official and/or the Fire Marshal, prior to occupancy. The purpose of the inspection is to ensure that all requirements outlined in the Property Maintenance Code, the Fire Code, the NFPA 101 Life Safety Code, and any CUP are being met.

(9) *Notification.* All company housing complexes are required to have property manager contact information posted on-site with visibility and access by the general public.

(D) *Existing Company Housing Complex Conversion.*

(1) A legally established complex that existed prior to the adoption of this ordinance may continue to be utilized as a company housing complex, with no additional amenities required to be installed per § 154-15.19.

- (2) In order to utilize an existing company housing complex conversion which has been vacant for a period of two or more years, all provisions of § 154-15.19.B will need to be met.

SECTION 10: It shall be unlawful for any person, firm or corporation to violate, or cause the violation of, any provision of this ordinance. Unless otherwise specifically provided for in this chapter, 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 such 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 _____, 2019.

APPROVED:

Douglas J. Nicholls
Mayor

ATTESTED:

Lynda L. Bushong
City Clerk

APPROVED AS TO FORM:

Richard W. Files
City Attorney