

ORDINANCE NO. O2025-037

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF YUMA, ARIZONA, AMENDING CHAPTER 154 OF THE YUMA CITY CODE, AS AMENDED, RELATING TO ACCESSORY BUILDINGS, USES AND STRUCTURES

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

WHEREAS, the City of Yuma Planning and Zoning Commission held a public hearing on August 11, 2025 in Case no: ZONE-44216-2025 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 July 18, 2025; and,

WHEREAS, the City Council has considered the recommendation of the Planning and Zoning Commission to approve the zoning code text amendment in Case No: ZONE-44216-2025 and the probable impact on the cost to construct housing for sale or rent that may occur as a result of this amendment, and finds that the recommendation complies with and conforms to the goals and objectives of the Yuma General Plan, as amended.

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, Article 15, Subsection 15 Accessory Buildings, Uses and Structures in Certain Residential Districts is amended to insert the bolded text and delete the strike through text:

(A) Applicability. Accessory buildings or structures and uses shall be incidental to the principal residential use. They must be detached from the principal building, occupy less floor area, cover less lot area, and have a use that is secondary to the primary structure(s) and use(s) on the property. Accessory buildings or structures **are non-inhabitable structures that include garages, storage sheds, workshops, outdoor barbeques, outdoor fireplaces, unenclosed (fully open on all sides) shade structures for parking or yard shade,** background composting site subject to the performance standards noted in § 154-15.18(A) and any other structures as determined by the Zoning Administrator. Buildings, structures, and uses may all function as "accessory," subject to the provisions below.

(B) Accessory uses. Accessory buildings or structures may be used for home occupations in compliance with § 154-15.08.

(C) **Accessory buildings or structures shall comply with all applicable building and fire codes. Utility connections may be permitted.**

(D) **A three (3) foot clearance on two adjacent sides of the structure shall be provided in order to maintain fire and emergency access through the property. The three (3) foot separation does not apply to unenclosed (fully open on all sides) shade structures.**

(E) Accessory buildings or structures may not be located within an established easement without written permission from the authorizing agencies.

(F) Accessory buildings or structures: Large, Small and Unenclosed shade structures for parking.

(1) **Large** Accessory buildings or structures that exceed 200 square feet in area or **exceed eight nine (9) feet** in height are ~~permitted in residential districts~~, subject to the following standards:

(a) Use. Accessory buildings or structures shall not be used as a dwelling, except where permitted by Zoning District. ~~Plumbing is permitted in accessory buildings for a washing machine only.~~

(b) Setback.

1. Accessory buildings or structures shall be located **at least ten (10) feet** behind the ~~midpoint of the~~ principal building **as measured from the nearest front facing corner**. The leading edge of such buildings, including overhangs, shall be setback at least ~~three~~ **five (5) feet** from side and rear property lines. **If the structure is unenclosed (fully open on all sides) the side and rear property line setback may be reduced to three (3) feet.** ~~An additional one foot setback is required for every additional foot in height above eight feet.~~ This provision is applicable within certain identified zoning districts regardless of setback illustrations on plats if the setbacks illustrated on the plat are the same as the standard setbacks for that zoning district. If the setbacks illustrated on the plat are larger than the standard setbacks for that zoning district, then the platted setbacks take precedence.

2. Accessory buildings or structures constructed using similar construction materials to the principal residence may be constructed in line with the principal residence.

~~32.~~ Accessory buildings **or structures** in the Agriculture (AG) district shall comply with the setback standards required in the district.

~~43.~~ Accessory buildings or structures shall comply with the street setback standards required in the applicable zoning district.

~~4.~~ ~~On a through lot, accessory buildings or structures shall not be located closer to the rear property line than the distance required for the front yard building setback.~~

~~5.~~ ~~Accessory buildings or structures shall comply with all applicable building and fire codes.~~

(c) Height. The maximum allowable building height shall be 25 feet or the height of the principal building, whichever is less. On lots with elevation changes, accessory structures shall not be permitted on lot areas where the accessory structure will be higher than the principal structure roofline. ~~See Illustration 15-1.~~

(d) Area. Accessory buildings or structures shall comply with lot coverage regulations for the applicable zoning district.

(e) Compatibility. Accessory buildings or structures shall be designed with a logical hierarchy of masses with regard to height, size, and volume; and use construction materials and colors that are contextually appropriate and compatible with the principal building and surrounding neighborhood. An accessory building or structure shall not exceed 50% of the total square footage of the primary residence.

(2) **Small** Accessory buildings or structures that are ~~between 121 square feet and up to 200 square feet in area; and up to less than eight-nine (9) feet in height are permitted in residential districts;~~ subject to the following standards:

(a) Use. Accessory buildings or structures shall not be used as a dwelling, except where permitted by Zoning District. ~~Plumbing is permitted for a washing machine only.~~

(b) Setback.

1. Accessory buildings or structures shall not be located in the required front yard building setback. The leading edge of such buildings, including overhangs, shall be setback at least ~~three feet~~ **one (1) foot** from side and rear property lines. **The one (1) foot setback to the side and rear property lines may be reduced to zero feet if all drainage from the building or structure is directed to the subject property.** This provision is applicable within certain identified zoning districts regardless of setback illustrations on plats.
2. An accessory structure used as a carport shall be setback three (3) feet from the side and rear property lines.
3. Accessory buildings or structures shall comply with the street setback standards required in the applicable zoning district.
4. **Accessory buildings or structures that are no taller than the adjacent fence line may have the street setback standard reduced to one (1) foot.** ~~On a through lot, accessory buildings or structures shall not be located closer to the rear property line than the distance required for the front yard building setback.~~

(c) Height. The maximum allowable building height shall be less than ~~eight (8)~~ **nine (9)** feet or the height of the principal building, whichever is less. On lots with elevation changes, accessory structures shall not be permitted on lot areas where the structure will be higher than the principal structure roofline.

(d) Area. Accessory buildings or structures shall comply with lot coverage regulations for the applicable zoning district.

~~—(3) Accessory buildings or structures that are 120 square feet or less in area and less than eight feet in height are permitted in residential districts, subject to the following standards:~~

~~—(a) Use. Accessory buildings or structures shall not be used as a dwelling, except where permitted by Zoning District. Plumbing is permitted for a washing machine only.~~

~~—(b) Setback.~~

~~—1. Accessory buildings or structures shall not be located in the required front yard building setback. The leading edge of such buildings, including overhangs, can be set along the side and rear property lines. This provision is applicable within certain identified zoning districts regardless of setback illustrations on plats. A four foot separation between the accessory structure and any other structures shall be provided in order to maintain fire and emergency access.~~

~~—2. Accessory buildings or structures shall comply with the street setback standards required in the applicable zoning district.~~

~~—3. On a through lot, accessory buildings or structures shall not be located closer to the rear property line than the distance required for the front yard building setback.~~

~~—(c) Height. The maximum allowable building height shall be less than eight feet or the height of the principal building, whichever is less. On lots with elevation changes, accessory structures shall not be permitted on lot areas where the structure will be higher than the principal structure roofline.~~

~~— (d) Area. Accessory buildings or structures shall comply with lot coverage regulations for the applicable zoning district.~~

(3) Unenclosed shade structures for parking located within the front yard setback are subject to the following development standards:

(a) The structure shall be permanently affixed to the ground by anchoring or slab attachment and supported by piers, columns or support elements and shall not be attached to the principal residence;

(b) The structure shall not be enclosed and no wall taller than three (3) feet may be constructed between piers, columns or support elements of the structure;

(c) The structure shall maintain a minimum setback of ten (10) feet from any right-of-way line and a minimum setback of three (3) feet from any side or rear property line;

(d) The structure shall not exceed twelve (12) feet in height, or the maximum height of the primary residential building, whichever is less;

(e) The maximum area for all shade structures within the front yard setback shall not exceed 200 square feet;

(f) A paved surface shall be provided under the structure;

(g) The structure may not be used for a home occupation;

(h) The structure may not be used for outdoor storage. All outdoor storage shall be located outside the front yard area and screened from the view of public rights-of-way by a solid wall or fence; and,

(i) The structure shall remain open on all four sides and never be enclosed as a garage or as living space.

(D) Appeals. An applicant may appeal a decision of the Zoning Administrator regarding the compatibility requirement to the Hearing Officer in accordance with § 154-03.02(C).

<i>Table 15-1- Basic Guidelines for Accessory Buildings and Structures</i>			
<i>Height</i>		<i>Area</i>	<i>Accessory Structure Setback</i>
More than 8 feet	OR	More than 200 square feet	3 feet + 1 foot for each foot over 8 feet in height
8 feet or less	AND	121—200 square feet	3 feet
8 feet or less	AND	0—120 square feet	0 feet
Structures larger than 200 square feet or 10 feet in wall height require a building permit. Electrical requires separate permits. Additional building requirements may apply.			

SECTION 2: ~~That the Yuma City Code, Title 15, Chapter 154, Article 5, Subsection 4 Low Density Residential Districts, Paragraph (D) (1) is amended to insert the bolded text and delete the strike through text:~~

(D) *Permitted accessory uses.*

(1) Accessory uses of buildings or structures customarily incident to any use permitted by this subchapter such as swimming pools, **inhabitable buildings such as** servant and guest quarters without kitchen facilities, **and pool houses,** ~~private garages, as hereinafter provided, or private work shops,~~ provided that none shall be conducted for gain or that no accessory buildings shall be inhabited by anyone other than those employed by the owner or tenant of the premises, and further

provided, that in the event such accessory structure or building is used in whole or in part for living quarters, same shall be set back at least ten feet from the rear lot line of any lot;

SECTION 3: 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 said sections 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 _____, 2025.

APPROVED:

Douglas J. Nicholls
Mayor

ATTESTED:

Lynda L. Bushong
City Clerk

APPROVED AS TO FORM:

Richard W. Files
City Attorney