



**STAFF REPORT TO THE PLANNING AND ZONING COMMISSION
DEPARTMENT OF PLANNING AND NEIGHBORHOOD SERVICES
COMMUNITY PLANNING DIVISION
CASE TYPE – TEXT AMENDMENT
CASE PLANNER: JENNIFER ALBERS**

Hearing Date September 25, 2023

Case Number: ZONE-41689-2023

Project Description: This is a request by the City of Yuma for a Zoning Code Text Amendment of Title 15, Chapter 154 to update the placement, size and height requirements for accessory dwellings.

Staff recommendation: Staff recommends **APPROVAL** of the text amendment to update the placement, size and height requirements for accessory dwellings.

Suggested Motion: Move to **APPROVE** the text amendment ZONE-41689-2023 as presented in the staff report.

Effect of the Approval: By approving the text amendment, the Planning and Zoning Commission is recommending approval to City Council for the request to update the placement, size and height requirements for accessory dwellings.

Staff Analysis: The City of Yuma adopted the Accessory Dwelling Unit (ADU) ordinance on May 3rd, 2017, as Ordinance O2017-013. The purpose of the ADU ordinance is to expand housing opportunities for the community and provide homeowners extra income with rental units that can assist in mitigating the increases in the cost of living.

Over time, staff has considered amendments to the code with the intent to facilitate the placement of ADU's. This proposed text amendment addresses three issues that have arisen over time: placement, size and height. The goal of the text amendment is to address those issues and facilitate the construction of new dwelling units.

Placement

Currently the zoning code requires that any new ADU be placed at least 60 feet behind the front property line. This limitation can adversely effect the installation of an ADU on older or irregular shaped lot. The proposed amendment is to place the ADU behind the midpoint of the primary dwelling. The intent being to allow flexibility and let the shape and configuration of the property and primary dwelling determine the placement of the ADU rather than a one size fits all approach.

Additionally, the text amendment is intended to allow attached ADU's in addition to detached. In some cases, the separation requirements can be difficult to meet and the City has received requests to allow attached units. It has been determined that with size and placement requirements, the ADU can still be considered accessory to the primary dwelling even if attached.

Size

Currently the code identifies a sliding scale for the size of the ADU based on the size of the property. The text amendment is intended to simplify the maximum size of the ADU as no larger than 50% of the primary dwelling. The intent is to allow ADU's on smaller lots and ensure the ADU is subsidiary to the primary dwelling.

Height

The third dimensional issue to be addressed is the height of the ADU. Currently the maximum height is 15 feet. For smaller homes, the new ADU could be higher than the primary dwelling or if the ADU is attached the new unit could be taller or significantly lower than the primary dwelling. The text amendment is intended to bring the height in line with the primary dwelling and allow the height of the ADU to be no taller than the primary dwelling.

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

Yes The City of Yuma 2022 General Plan Housing chapter Goal 1.0 specifically addresses the need to provide safe and affordable housing with a targeted objective and policy to encourage a variety of housing types and mitigate constraints to housing development.

Goal 1.0: Encourage the provision of safe, decent, sanitary, and affordable housing for all residents.

Objective 1.3: Encourage a variety of housing types to meet all socio-economic segments of the population, considering both full time and seasonal residents.

Policy 1.3.4: *The City will continue to develop ways to help mitigate the constraints to housing development through financial and regulatory incentives.*

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

Yes This amendment furthers the goal of the Accessory Dwelling Unit zoning code to expand housing opportunities for the community and provide homeowners extra income with rental units that can assist in mitigating the increases in the cost of living.

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

No This amendment only changes the dimensional standards for the placement of ADU's and does not change the range of uses in the zoning code.

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

Yes This amendment changes the dimensional standards for the placement of ADU's.

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

There are no potential negative impacts identified with the proposed text amendment. However, the adoption of the proposed text amendment may provide a number of positive impacts for the City of Yuma: increased development of Accessory Dwelling Units, the development of new housing opportunities, and the ability to increase residential density thereby maximizing the utilization of resources.

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 This amendment supports City Council's past action adopting the Accessory Dwelling Unit zoning code.

Public Comments Received: None Received

External Agency Comments: See Attachment C

Neighborhood Meeting Comments: No Meeting Required

Attachments:

A	B	C
Draft Text	Agency Notification	Agency Comments

Prepared By: *Jennifer L. Albers* **Date:** *8/28/23*
Jennifer L. Albers *Jennifer.Albers@YumaAZ.gov* (928) 373-5180
Assistant Director of Planning

Approved By: *Alyssa Linville* **Date:** *09/06/2023*
Alyssa Linville
Assistant Director Community Planning

ATTACHMENT A
DRAFT TEXT

SECTION 1: That the Yuma City Code, Title 15, Chapter 154, Article 15, Section 16 Accessory Dwellings, Carriage Houses and Garage Apartments in Residential Districts be amended to insert the bolded text and delete the strike through text:

- (A) *Applicability.* One accessory dwelling is permitted as a subordinate to an existing or planned single-family dwelling unit (**primary residence**), provided that the provisions below are met.
- (B) *Accessory uses.* Accessory dwellings may be used for home occupations in compliance with § 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 unit will be permitted for each property; the accessory dwelling ~~must~~ **may be attached to or** 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 **behind the midpoint of the primary residence 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 feet.
 - (5) *Unit size.*
 - (a) Each accessory dwelling shall have a minimum size of **100** ~~200~~-square feet.
 - (b) The maximum permitted size of an accessory dwelling **shall not exceed 50% of the total square footage of the primary residence.** ~~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 **no higher than the single-family dwelling unit on site** ~~15 feet for a single story unit.~~ **The maximum height of an accessory dwelling unit cannot exceed the height restrictions of the applicable zoning district.** 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 at the end of this section.

**ATTACHMENT B
AGENCY NOTIFICATION**

- Legal Ad Published: The Sun 09/01/23
- 34 Commenting/Reviewing Agencies noticed: 08/21/23
- Neighborhood Meeting: N/A
- Hearing Date: 09/25/23
- Comments due: 08/21/23

External List (Comments)	Response Received	Date Received	“No Comment”	Written Comments	Comments Attached
Yuma County Airport Authority	NR				
Yuma County Engineering	NR				
Yuma County Public Works	NR				
Yuma County Water Users’ Assoc.	Yes	8/11/23	X		
Yuma County Planning & Zoning	Yes	8/15/23			X
Yuma County Assessor	NR				
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	NR				
Arizona Game and Fish	NR				
United States Postal Service	NR				
Yuma Metropolitan Planning Org.	NR				
El Paso Natural Gas Co.	NR				
Western Area Power Administration	Yes	8/14/23	X		
Yuma Proving Ground	Yes	8/10/23	X		
City of Yuma Internal List (Conditions)	Response Received	Date Received	“No Conditions”	Written Conditions	Comments Attached
Police	NR				
Parks & Recreation	NR				
Development Engineering	NR				
Fire	Yes	8/15/23	X		
Building Safety	NR				
City Engineer	NR				
Traffic Engineer	NR				
MCAS / C P & L Office	NR				
Utilities	NR				
Public Works	NR				
Streets	NR				

Neighborhood Meeting	Comments Available
None Required	N/A

PUBLIC COMMENTS RECEIVED: None Received

**ATTACHMENT C
AGENCY COMMENTS**

DATE:	8/15/23	NAME:	Anson K. Lihosit	TITLE:	Senior Planner
AGENCY:	Yuma County Dept. of Dev. Services		PHONE:	(928) 817-5090	

Enter comments below:

According to the American Planning Association, “accessory dwelling units have the potential to increase housing affordability (both for homeowners and tenants), create a wider range of housing options within the community, enable seniors to stay near family as they age, and facilitate better use of the existing housing fabric in established neighborhoods.”

(American Planning Association. “Accessory Dwelling Units”. Accessed September 13, 2022.
[https://www.planning.org/knowledgebase/accessorydwellings/#:~:text=An%20accessory%20dwelling%20unit%20\(ADU,secondary%20suites%2C%20and%20granny%20flats.](https://www.planning.org/knowledgebase/accessorydwellings/#:~:text=An%20accessory%20dwelling%20unit%20(ADU,secondary%20suites%2C%20and%20granny%20flats.)

Staff believes that the proposed changes would simplify the process and requirements for the development of accessory dwelling units, which is helpful.