ZONING ORDINANCE FOR UNINCORPORATED AREAS OF GILA COUNTY, ARIZONA

ORDINANCE NO. 2015-04

AN ORDINANCE TO AMEND SECTION 102 BY ADDING A DEFINITION FOR AN ACCESSORY DWELLING UNIT (ADU)AND ADDING SECTION 104.B.2 FOR REGULATING ACCESSORY DWELLING UNITS AND DELETING SECTIONS 104.C.1 AND 104.2.A.4.a AND AMENDING SECTIONS 104.2.F.3.a AND 104.2.G.3.a FOR GUEST QUARTERS.

WHEREAS, in accordance with the Zoning Ordinance for Unincorporated Areas of Gila County, Arizona, and upon recommendation of the Planning and Zoning Commission, the Board of Supervisors may amend, supplement or change the regulations set forth in the zoning code; and

WHEREAS, revisions have been made to the Zoning Ordinance for Unincorporated Areas of Gila County, Arizona, to include Sections 102, and 104; and

WHEREAS, on August 20, 2015 a public hearing was held by the Planning and Zoning Commission to review and obtain public comment regarding the proposed changes to the Zoning Ordinance for Unincorporated Areas of Gila County, Arizona, as required by the Zoning Code; and

WHEREAS, the Planning and Zoning Commission has recommended that the Board of Supervisors adopt these amendments to allow for Accessory Dwelling Units; and,

WHEREAS, the Board of Supervisors has properly noticed this Zoning Ordinance for Unincorporated Areas of Gila County, Arizona, and conducted a public hearing in compliance with A.R.S. §11-251-05(C) and 11-813.

NOW, THEREFORE, BE IT RESOLVED that the Gila County Board of Supervisors adopts as amended the Zoning Ordinance of Unincorporated Areas of Gila County, Arizona, which will go into effect 30 days after Board of Supervisors' approval:

SECTION 102
DEFINITIONS

Accessory Dwelling Unit (ADU): An ADU is a small self-contained dwelling, typically with its own entrance, cooking, and bathing facilities, that shares the site of a larger, single-unit dwelling. ADUs may

be attached, as in the case of a basement apartment, or detached, as in the case of a backyard cottage. An ADU is not a separate property; it has the same owner as the primary dwelling.

SECTION 104
ESTABLISHMENT OF ZONES (USE AND DENSITY DISTRICTS)

In conformity with the intent and purpose of this Zoning Ordinance, "Use" and "Density" districts are hereby adopted in order to classify, regulate, restrict and separate uses of land and structures, lot dimensions and areas, yard widths and depths, percent of lot coverage and open spaces, lot area required for dwelling units and other structures, spacing of buildings, and the height and bulk of structures. The following general regulations apply to all Single Family Districts except where noted otherwise:

A. INTENT AND PURPOSE

To promote the development of areas primarily of single family dwellings, intending that all other uses be installed, operated and maintained in a manner so as to either complement, or at least be of a minimum disruption to such single family uses. Any use not in accordance with the Intent and Purpose, District Stipulations and Provisions, and Permitted Uses as set forth in this section shall be deemed a nuisance.

B. DISTRICT STIPULATIONS AND PROVISIONS

2. ACCESSORY DWELLING UNITS:

a. There are three (3) different categories or types of Accessory Dwelling Units:

i. Attached Unit
ii. Detached Unit
iii. Interior Unit

b. Regulations for accessory dwelling units

i. In all single family residential districts, one accessory dwelling unit shall be permitted by right on an individual lot.
ii. The accessory dwelling unit shall not occupy more floor area than the primary dwelling unit
iii. Minimum lot area for an ADU shall be 5,000 square feet.
iv. The primary use must already be established prior to permitting an accessory dwelling unit.
v. No more than one entrance per story shall be located in each building façade that faces a street;
vi. The property owner must reside in the primary or accessory unit.
vii. The Planning & Zoning Commission may grant, through a conditional use permit, approval to locate an accessory dwelling unit that does not meet one or more of the conditions of this section. The applicant must demonstrate that the application complies with the general purposes and intent of this chapter with no adverse effects to the character of the single family residential district.
viii. A deck or balcony is permitted as a portion of any story of the accessory building; provided:
a) The deck or balcony is oriented so as to not face a principal building on an adjoining property in a single family residential district.

ix. The accessory building shall conform to all applicable setback and lot occupancy regulations;

x. The closest façade of a detached accessory building shall be separated from the closest façade of the principal building by a distance of ten (10) feet minimum unless attached to the principal building;

~~xi. Park Models (Recreational Park Trailers) are not permitted in single family residential districts that do not allow manufactured homes. In order for a Park Model to be considered the following regulations must be followed in other single family residential districts:~~

~~**a)** The trailer tongue must be removed~~

~~**b)** Must provide adequate off-street parking and legal access to that parking.~~

~~**c)** Setup/installation must follow same requirements as those for a manufactured home and any requirements of the Park Model manufacturer~~

~~**d)** Must have exterior skirting~~

~~**e)** Must be connected to permanent wastewater system~~

~~**f)** Decks and patios must be self-supporting and require building permits in addition to the required permit for a park model~~

~~**g)** Must meet all zoning, building and wastewater setback requirements~~

~~**h)** Cannot be attached to the principal building and must meet the minimum 10 foot separation requirement from other structures~~

~~**i)** Must meet all floodplain requirements~~

~~**j)** Must place smoke detector in bedroom.~~

~~**k)** Cannot be a primary residence, only an ADU~~

l) ~~Park models are the only type of recreational vehicle to be used as an ADU~~

c. Development Standards

i. Height. The maximum height for a detached ADU is 30 feet.

ii. Building coverage. The building coverage shall not exceed the maximum percentage allowed in the zoning district.

iii. Parking. Adequate must be provided that is off-street.

iv. Must have adequate facilities for the discharge of wastewater.

d. Design Standards

i. Location of entrances. Only one main entrance may be located on the street-facing facade of the house, unless the house contained additional entrances before the ADU was created. An exception to this regulation is an entrance that does not have access from the ground, such as an entrance from a balcony or deck.

ii. Exterior design details. Exterior finish materials, roof pitch, trim, eaves, window orientation and dimension must be the same or visually match those of the primary dwelling unit.

104. C. USES PERMITTED SUBJECT TO A USE PERMIT

~~1. A detached guest house accessory to the main dwelling only, subject to the following conditions:~~

~~a. The guest house shall be confined to the rear one-half of the property, shall beseparated from the main dwelling by at least ten (10) feet and shall be located atleast ten (10) feet from the rear property line.~~

~~b. The total square footage of the guest house shall not exceed 800 square feet.~~

c. ~~A deed restriction shall be recorded for the subject property which prohibits the rental, lease or sale of the guest house.~~

1. **Bed and breakfast establishments, subject to the following conditions:**

   a. Applicants for a use permit shall be the property owner.
   b. No more than three (3) bedrooms shall be designated and/or used as guest rooms.
   c. The maximum duration of stay of any one guest shall be ten (10) days.
   d. Guests must enter through the main entrance to the dwelling to get to their rooms with no separate entrance allowed.
   e. All parking must be accommodated on the site.
   f. All meals or snacks provided to guests shall be served in a common dining area.
   g. Any applicable State and County Health Department regulations must be complied with, and all required permits must be obtained and remain valid so long as the use is in operation.
   h. The Use Permit shall be issued for periods of two years. Prior to the expiration date of the permit, the Director, or his designate, shall review the establishment for compliance with the terms of the permit. Full compliance shall result in an automatic two year extension; violations shall result in suspension or revocation.

2. Public utility facilities (but not business offices, repair facilities or storage and equipment yards) subject to the following conditions:

   a. Water Storage Tanks

      i. Shall be no taller than sixteen (16) feet.
      ii. Shall be painted in neutral "earth tone" shades of green or brown and landscaped to minimize adverse visual impact to surrounding properties.
      iii. All exposed valves and piping shall be vandal proofed and screened or painted to match tanks.

   b. Water Wells

      i. Shall be enclosed in well houses constructed of durable materials finished in neutral "earth tones" and landscaped to minimize any adverse visual impact to surrounding properties.
      1. Shall be made secure and vandal proofed.

   c. Electrical and Natural Gas Facilities

      1. Shall be screened by an opaque fence or wall finished in neutral "earth tones" and landscaped to minimize any adverse visual impact to surrounding properties.
      2. Shall be made secure and vandal proofed.

3. Home Occupations.

Section 104.2.A.4.a

4. Uses Permitted Subject to a Use Permit:

   ~~a. A detached guest house appurtenant to the main dwelling only, subject to the following conditions:~~

~~i. The guest house shall be confined to the rear one-half of the property, shall be separated from the main dwelling by at least ten (10) feet and shall be located at least ten (10) feet from the rear property line.~~

~~i. The total square footage of the guest house shall not exceed 800 square feet.~~

~~ii. A deed restriction shall be recorded for the subject property which prohibits the rental, lease or sale of the guest house.~~

a. Bed and breakfast establishments, subject to the following conditions:
   i. Applicants for a use permit shall be the property owner.
   ii. No more than three (3) bedrooms shall be designated and/or used as guest rooms.
   iii. The maximum duration of stay of any one guest shall be ten (10) days.
   iv. Guests must enter through the main entrance to the dwelling to get to their rooms with no separate entrance allowed.
   v. All parking must be accommodated on the site.
   vi. All meals or snacks provided to guests shall be served in a common dining area.
   vii. Any applicable State and County Health Department regulations must be complied with, and all required permits must be obtained and remain valid so long as the use is in operation.
   viii. The Use Permit shall be issued for periods of two years. Prior to the expiration date of the permit, the Director, or his designate, shall review the establishment for compliance with the terms of the permit. Full compliance shall result in an automatic two year extension; violations shall result in suspension or revocation.
b. The keeping of individual animals not classified as household pets or domestic farm-type animals.
c. Non-commercial kennels.
d. Public utility facilities (but not business offices, repair facilities or storage and equipment yards) subject to the following conditions:
   i. <u>Water Storage Tanks:</u>
      a) Shall be no taller than sixteen (16) feet.
      b) Shall be painted in neutral "earth tone" shades of green or brown and landscaped to minimize adverse visual impact to surrounding properties.
      c) All exposed valves and piping shall be vandal proofed and screened or painted to match tanks.
   ii. <u>Water Wells</u>
      a) Shall be enclosed in well houses constructed of durable materials finished in neutral "earth tones" and landscaped to minimize any adverse visual impact to surrounding properties.
      b) Shall be made secure and vandal proofed
   iii. <u>Electrical and Natural Gas Facilities</u>
      a) Shall be screened by an opaque fence or wall finished in neutral "earth tones" and landscaped to minimize any adverse visual impact to surrounding properties.
      b) Shall be made secure and vandal proofed.
e. Home Occupations.

Section 104.2.F.3.a

3. Permitted Uses:

   a. One main residence. ~~and one detached, non-rental guest house with separate kitchen and sanitary facilities~~

Section 104.2.G.3.a

3. Permitted Uses

    a. One single family dwelling on any lot or parcel of land. ~~which may, in addition, contain quarters for servants or non-paying quests or non-paying guests provided no facilities for preparation or cooking of food are contained therein. If such quarters are detached from the main building, such accessory buildings shall be located no closer to property lines than is allowed for the main building.~~

PASSED AND ADOPTED this 1st day of December 2015

ATTEST:

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Marian Sheppard, Clerk

GILA COUNTY BOARD OF SUPERVISORS

_____
Michael A. Pastor, Chairman

APPROVED AS TO FORM

_____
Jefferson R. Dalton
Deputy Gila County Attorney
Civil Bureau Chief