

WHEN RECORDED RETURN TO

City of Buckeye
ATTN: City Clerk, Lucinda Aja
530 East Monroe Avenue
Buckeye, Arizona 85326

ORDINANCE NO. 18-17

AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF THE CITY OF BUCKEYE, ARIZONA, AMENDING CHAPTER 7, ARTICLES 3, 5, 10 AND APPENDIX C, RELATING TO ALLOWED USES, ACCESSORY USES AND STRUCTURES, LANDSCAPING REQUIREMENTS, MANUFACTURED HOME DESIGN STANDARDS, DEFINITIONS RELATED TO MANUFACTURED HOMES, ACCESSORY DWELLING UNITS, AND BUILDING HEIGHT, AND AMENDING PERMISSIBLE USES IN OBSOLETE ZONING DISTRICTS.

WHEREAS, a comprehensive review of the Development Code has been conducted by the City staff and the Planning and Zoning Commission to update the Code relating to accessory uses and manufactured housing;

WHEREAS, multiple provisions throughout the Development Code need to be amended or modified to update the Development Code's provisions relating to accessory and manufactured housing uses;

WHEREAS, City staff is also recommending minor housekeeping amendments to clear up possible ambiguities in the Development Code; and

NOW, THEREFORE BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF BUCKEYE, ARIZONA, as follows:

Section 1. That Buckeye City Code, Chapter 7 (Development Code), Articles 3, 5, 10 and Appendix C is hereby amended, and adopted by reference herein, by changing various sections in the Development Code as reflected in that certain document known as "Development Code Chapter 7, Articles 3, 5, 10 and Appendix C Amendments" on file with the City Clerk of the City of Buckeye.

Section 2. The Mayor, the City Manager, the City Clerk and the City Attorney are hereby authorized and directed to take all steps and to execute all documents necessary to carry out the purpose and intent of this Ordinance.

PASSED AND ADOPTED by the Mayor and City Council of the City of Buckeye, Arizona, this 5th day of July, 2017.

CITY OF BUCKEYE, ARIZONA, an Arizona
municipal corporation

Jackie A. Meck, Mayor

ATTEST:

Lucinda J. Aja, City Clerk

APPROVED AS TO FORM:

City Attorney

Development Code Chapter 7, Articles 3, 5, 10 and Appendix C Amendments

Section 1. Chapter 7, Article 3, Section 3.1, Table of Allowed Uses, Table 3.1-1, is hereby amended as provided in Exhibit “A” attached hereto.

Section 2. Chapter 7, Article 3, Section 3.2.1. B. is hereby amended to read as follows:

3.2.1 Residential Uses

...

B. Mobile Homes

After the effective date of this Development Code, an individual mobile home may only be parked or stores on a lot within a mobile home park or mobile home subdivision. Residential use of mobile homes constructed prior to 1976 is prohibited.

Section 3. Chapter 7, Article 3, Section 3.3.3. C. E. and F. are amended to read as follows:

3.3.3 General Standards

All accessory uses and structures shall comply with the following general standards:

...

C. Size and Height

1. The maximum area of any accessory structure shall not exceed the area of the primary structure. Both primary and accessory structures together must comply with the applicable lot coverage requirements established by this Development Code.
The maximum height of any accessory structure shall not exceed the height of the lot's primary structure.
3. Within the rural residential (RR) and agricultural (AG) districts, accessory structures shall be exempt from the maximum area and be limited to a maximum height of 22-feet together with the primary structure, comply with the applicable lot coverage requirements established by this Development Code.

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E. Same Utility Meter Required

The principal use and the accessory use shall utilize the same utility meter.

F. Architectural Character

Accessory structures with a gross floor area of 225 square feet or more shall be compatible to and complimentary with the associated primary structure in terms of building materials and architectural style. Within the rural residential (RR) and agricultural

(AG) districts, accessory structures shall be exempt from architectural character requirements except that the structure color shall compliment the character of the primary structure.

Section 4. Chapter 7, Article 3, Section 3.3.4. A. 1. and 3. are amended to read as follows:

3.3.4 Additional Standards for Specific Accessory Uses and Structures

A. Accessory Dwelling Units

An accessory dwelling unit shall be permitted as an accessory use subject to the following standards:

1. Districts Allowed

Accessory dwelling units shall be allowed as accessory uses to principal residential uses in the following districts:
RR, PR, SF-43, SF-18, SF-10, SF-6, and SF-3.

...

2. Size of Accessory Dwelling Unit

No accessory dwelling unit shall exceed 33 percent of the size of the habitable floor area of the principal unit. An accessory dwelling unit shall contain private sanitary facilities with hot and cold running water and cooking (range, oven) and food storage (full-size refrigerator/freezer) facilities.

Section 5. Chapter 7, Article 5, Section 5.4.3 B.1. is amended to read as follows:

5.4.3 Landscaping Required

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B. Site Enhancement Landscaping

1. Unless otherwise provided in this Code, the districts shown in the following table shall have a minimum percentage of the gross lot area (excluding right-of-way) that shall be maintained as landscaped area. Total landscaped area shall be comprised of a minimum 40% trees and 60% other planting, of which no more than half can be groundcover. For purposes of this requirement, other plantings are defined to include cacti, succulents, shrubs, perennials, ornamental grasses, and vines.

Section 6. Chapter 7, Article 5, Section 5.7.2 B is amended to read as follows:

5.7.2

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B. Infill Residential Compatibility Standards

1. Applicability

These residential infill compatibility standards shall apply to development of a new residential use, or renovation of an existing

residential use, either of which is not part of a planned/phased development, on a site that is adjacent to or across a street from two or more lots with existing structures. Manufactured homes which are located outside the manufactured home parks or subdivisions shall comply with the design standards within this section.

Section 7. Chapter 7, Article 5, Section 5.12.5 B. 2. d. (i) is amended to read as follows:

2. **Signage – Area 1**

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d. Allow use of sandwich or “A-frame” signs during regular business hours.

(i) **On-Site A-Frame Signs**

(1) Placement must allow for a minimum 3 foot pedestrian pathway to/from all building entrances and exits.

Section 8. Chapter 7, Article 10, Section 10. 3. 1 A. is amended to read as follows:

10.3.1 **Residential Uses**

A. **Household Living**

This category is characterized by residential occupancy of a dwelling unit by a household. Tenancy is arranged on a month-to-month or longer basis (lodging where tenancy may be arranged for a period of less than 30 days is classified under the “Visitor Accommodation” category). Common accessory uses include recreational activities, raising of pets, gardens, personal storage buildings, hobbies, and parking of the occupants’ vehicles.

Specific use types include, but are not limited to:

1. **Dwelling, Duplex**

A dwelling designed for or used by two families living independently of each other in separate units.

2. **Dwelling, Multi-Family**

A dwelling designed for independent occupancy by three or more families in separate units.

3. **Dwelling, Single-Family Detached**

A dwelling designed for or used by one family and having no walls in common with adjoining dwellings.

4. **Dwelling, Manufactured Home (Modular Home)**

A structure, transportable in one or more sections, that is at least eight feet in width and thirty-two feet in length and that is built on a permanent chassis and designed to be used as a dwelling unit,

with or without a permanent foundation, when connected to on-site utilities, and built on or after June 15, 1976, in accordance with the National Manufactured Home Construction and Safety Standards Act of 1974 and Title VI of the Housing and Community Development Act of 1974.

5. **Dwelling, Mobile Home**

A structure, transportable in one or more section, that is at least eight feet in width and thirty-two feet in length and that is built on a permanent chassis and designed to be used as a dwelling unit, with or without a permanent foundation, when connected to on-site utilities, and that was not constructed in accordance with the National Manufactured Home Construction and Safety Standards Act of 1974 and Title VI of the Housing and Community Development Act of 1974. Residential use of mobile homes constructed prior to 1976 is prohibited.

6. **Dwelling, Zero Lot Line**

A detached dwelling that has only one side yard.

7. **Mobile or Manufactured Home Park**

A site with required improvements and utilities for the long-term parking/siting of mobile homes or manufactured homes, which may include services and facilities for the residents.

8. **Mobile or Manufactured Home Subdivision**

A subdivision with required improvements and utilities for the long-term parking/siting of mobile homes or manufactured homes on individual home lots, which may include services and facilities for the residents.

Section 9. Chapter 7, Article 10, Section 10.3.4 A. and B. is amended to read as follows:

10.3.4 Accessory Uses

A. Accessory Dwelling Unit

A dwelling unit that is secondary to the principal single household dwelling unit in terms of gross floor area, intensity of use, and physical character, but which has kitchen and bath facilities separate from the principal dwelling and a separate entrance. Accessory Dwelling Units share the same utility meter as the principal dwelling unit. Accessory Dwelling Units are also known as a granny flat, mother-in-law apartment, or carriage house.

B. Home Occupation

A commercial activity conducted entirely within a dwelling or accessory structure (in a residential zoning district) that can be conducted without any significantly adverse impact on the surrounding neighborhood.

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6. **Day Care, Home Occupation**

A permanent residential unit where an occupant provides day care and supervision for no more than five children or adults not residing in the household, whether or not for compensation. The following uses are not a Home Occupation Day Care use: Group Home; Group Recovery Home; Shelter Care Facility; and Homeless Shelter; and Day Care, Home Occupation.

Section 10. Chapter 7, Article 10 Section 10.4. is hereby amended by adding the following definition:

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Building Height

The vertical distance of a building as measured from the average elevation of the finished grade within twenty (20) feet of the structure to the highest point of the coping of a flat roof, or to the mean height level between eaves and ridges for gable and hip or gambrel roofs.

Section 11. Chapter 7, Appendix C., Obsolete Districts Permissible Uses, is hereby amended as provided in Exhibit “B” attached hereto.

Exhibit A

3.1 TABLE OF ALLOWED USES

3.1.5 Table of Allowed Uses

Table 3.1-1: TABLE OF ALLOWED USES																						
		P=Permitted C=Conditional Use																				
Use Category	Use Type	A G	RESIDENTIAL									MIXED-USE				NON-RESIDENTIAL					Use Standard s	
			SF 4 3	S F 1 8	SF 1 0	SF 6	SF 3	SF 1	M F 1	M F 2	M H	N M U	C M U	R M U	D C	P O	C 1	C 2	C 3	B P		I 1
RESIDENTIAL USES																						
Household Living	Dwelling, duplex				P	P	P	P	P			P	P	P	P							
	Dwelling, multi-family								P	P		P	P	P	P							
	Dwelling, single-family attached				P	P	P	P	P			P	P	P	P							
	Dwelling, single-family detached	P	P	P	P	P	P	P	C													
	Dwelling, mfd. home	P	P	P	C	C	C	C			P										3.2.1.A	
	Dwelling, mobile home	C									P										3.2.1.B	
	Dwelling, zero lot line					P	P	P	P	P				P								
	Mobile home park										P											
	Mfd. home subdivision										P											
Animal Sales and Services	Animal hospital	P	C									P	P	P		P	P	C	C	P	P	3.2.3.B
	Veterinary clinic	P	P							C		P	P	P	P	P	P	P	P			3.2.3.B

Exhibit B

APPENDIX C: OBSOLETE DISTRICTS PERMISSIBLE USES

Note: Conditional Uses are designated with a "C" all other permitted uses are designated with a "P".

PRINCIPAL USE	ZONING DISTRICT						
	RR	PR	MR	PC	CC	GC	SU
Cellular/radio tower	C	C	C	C	C	C	C
Master Planned Community				P			D
Meat processing, commercial						C	D
Multiple family dwelling			P		P		D
Schools, public, charter and private		P	P		P		
Veterinary clinic	P				P	P	
Veterinary Animal hospital	C				PC	P	