

AMENDMENT TO THE APACHE JUNCTION CITY CODE, VOLUME II, LAND DEVELOPMENT CODE, CHAPTER 1: ZONING ORDINANCE, ARTICLE 1-6: § 1-6-5 ACCESSORY STRUCTURES

§ 1-6-5 ACCESSORY STRUCTURES.

(A) General standards for accessory structures in all zoning districts.

(1) Accessory structures. An ACCESSORY STRUCTURE is any non-habitable (no sleeping, living, or cooking activities) structure that is greater than 120 square feet in size, and detached from the principal structure, and includes overseas shipping containers as defined herein. Dimensional standards for accessory structures are set forth in Article 1-5 of this code, Tables 5-2 and 5-4 (see Vol. II, §§ 1-5-2 and 1-5-4).

(2) Permit required. Permits are required for any accessory structure over 120 square feet in size, with the exception of shade structures that do not exceed 200 square feet in area and 10 feet in height.

(3) Shade structures. An unenclosed (open air with no sides) shade structure, not exceeding 200 square feet in area, and not exceeding 10 feet in height to the midpoint of the roof, is permitted in all residential zoning districts. Any such shade structure constructed pursuant to this section shall not require a building permit, but shall be subject to all other provisions of the Apache Junction City Code, Vol. I, Chapter 7: Buildings, Article 7-1: Apache Junction Division of Building Safety and Inspection Administrative Code, Vol. I, § 7-1-6(B).

(4) Anchoring. All accessory structures and shade structures shall be anchored in accordance with Apache Junction City Code, Vol. I, Chapter 7: Buildings.

(5) Setbacks. Accessory structures shall meet all setback requirements and shall not be located within any front yard setback, public right-of-way, alley or off-street parking areas, utility/drainage/ roadway easements (inclusive of private or federally patented easements) or in any required landscape setback area. Setbacks for accessory structures can be found in Article 1-5 of this code Table 5-2: Residential Bulk Regulations and Table 5-4: Non-Residential Bulk Regulations (see Vol. II, §§ 1-5-2 and 1-5-4).

(6) Minimum distance requirements.

(a) All accessory structures, including shade structures, shall be located a minimum of 6 feet from all existing main structures and proposed accessory structures, regardless of size, unless the Building Official determines that the construction method used would allow for closer spacing.

(b) All structures shall be located a minimum of 10 feet from a septic tank.

(c) Accessory structures shall be located 15 feet from any non-FEMA wash.

(7) Total lot coverage and maximum size of accessory structures. There is no size limit on accessory structures in the RS-GR district. In the RS-54 and RS-54M district, the maximum

accessory structure size is 2,000 square feet, but may be increased to 5,000 square feet, provided that any structure greater than 2,000 square feet meets the main building setbacks. In all residential districts not zoned RS-GR and RS-54 and RS-54M, the total aggregate square footage of all accessory structures shall not exceed 50% of the main structure's roof area or shall not cover more than the lot coverage percentage specified for the zoning district, whichever is less. For all residential zoning districts, accessory structures shall not cover more than the lot coverage percentage specified for the zoning district.

(8) Utility connections. Accessory structures may be served with utilities, such as electrical and plumbing for water, with the appropriate permits. No fixtures for cooking shall be permitted in any accessory structure.

(9) Emergency use. In conjunction with required permits for home repairs, the emergency use of overseas shipping containers shall be permitted on all lots as a result of damage caused by flood, fire, wind, or termites. The container may remain onsite for no more than 60 calendar days, with the ability to apply for a 30-calendar-day extension.

(10) Temporary moving containers. Temporary moving containers (e.g., PODS) shall be allowed in all zoning districts. Containers may remain on the property for no more than 60 calendar days, and do not require a permit.

(11) Prohibited structures. Non-painted, galvanized metal siding and corrugated fiberglass siding shall be prohibited. An accessory structure of plastic, corrugated metal or fiberglass having a semicircular cross section that curves down to form walls, or attached to walls, or is open air below 4 feet above the ground surface (e.g., Quonset huts) shall be prohibited.

(12) Conflict with other regulations. If there is a conflict between the standards of this section and any other requirement of this chapter, the standards of the section shall control.

(B) Design and exterior finish requirements.

(1) Color. Accessory structures in all zoning districts, including overseas shipping containers, shall be uniformly painted or sided with an earth tone color or compliment the color/style of the main structure. The roof shall not have a shiny finish and shall also be painted or finished with an earth tone or white color. It shall be free from surface rust and any advertising signage, including, but not limited to, corporate names or trademarks on overseas shipping containers. EARTH TONE shall be defined as a color scheme that draws from a color palette of browns, tans and greens natural to the Sonoran Desert environment. The colors in an earth tone scheme are muted and flat in an emulation of the natural colors found in dirt, moss, trees or rocks.

(2) Supplemental building materials. Residential zoning districts, except RS-GR, RS-54, RS-54M, MHP and RVP zoned properties, shall have 100% of each exterior wall of a metal building (with the exception of overseas shipping containers) covered with a supplemental building material, including, but not limited to, wood, masonry, stucco or brick. Building materials must complement the architectural design and color of the primary residence. The Zoning

Administrator shall determine whether the accessory structure's proposed design and exterior facade is compatible and consistent with the main structure.

(3) Business and public-institutional zoned property (i.e., B-1, B-2, B-3, B-4, B-5 and PI districts). For accessory structures other than temporary, overseas shipping containers, the design of accessory buildings is subject to the applicable commercial design standards identified in Apache Junction City Code, Vol. II, Land Development Code, Chapter 1: Zoning Ordinance, Article 1-13: Design Standards, §§ 1-13-3(A) and (B).

(C) Residentially zoned properties.

(1) Use. A detached accessory structure, located in a residential zoning district, shall not be used for any business activity other than allowed as part of an approved home-based occupation or for a commercial agricultural use.

(a) Other than a home occupation approved under Apache Junction City Code, Vol. II, Land Development Code, Chapter 1: Zoning Ordinance, Article 1-6: Home Occupation, § 1-6-6, no commercial business activity shall take place within or adjacent to an accessory structure.

(b) Prohibited commercial business activities include, but are not limited to, vehicle or RV repair, trucking, salvage or scrapping, renting of space for RV and boat storage, or commercial storage of any kind.

(2) Location. Accessory structures shall be located to the rear or side of the primary residence, except for garages, which may encroach past the front facade of the home. Garages are subject to all setback requirements. Carports are not permitted to encroach past the front facade of the home.

(3) Maximum size.

(a) RS-GR: no limit.

(b) RS-54 and RS-54M: 2,000 square feet, but may be increased to 5,000 square feet, provided that any structure greater than 2,000 square feet meets the main building setbacks.

(4) Accessory structures constructed prior to main building. An accessory structure, less than or equal to 360 square feet, may be placed upon a lot for up to 8 months and prior to the construction of the main home, for the purpose of storing tools, building materials or household goods, provided that a building permit is applied for and issued for the main home at the same time as the temporary use permit is issued for the temporary accessory structure, and provided that no accessory structure shall be used for dwelling purposes, including sleeping, living, or cooking activities. See Apache Junction City Code, Vol. II, Land Development Code, Article 1-5: Zoning Bulk and Land Use, § 1-5-1: Residential Use Regulations, Table 5-1, for temporary living quarters regulations during construction.

(5) Legally existing accessory structures. Legally existing accessory structures may be permitted to remain without the establishment of a main building at the time of subdivision/land split/zoning approval, subject to the following:

(a) The accessory structure is locked and made safe, with all openings being boarded up prior to the establishment of the main use;

(b) The accessory structure is not used for storage or any other purpose prior to the securing of a permit for the establishment of the main use;

(c) The accessory structure is in compliance with city building and zoning codes, including setback and design requirements;

(d) The accessory structure is not being used for dwelling purposes, including sleeping, living, or cooking activities.

(6) Overseas shipping containers.

(a) Number allowed. No more than 1 overseas shipping container shall be allowed on any residential property, with the exception of 1 additional emergency use container.

(b) Size limit. RS-GR, RS-54 and RS-54M zoned properties may have 1 container, not exceeding 320 square feet in size.

(c) Screening requirements. If the bottom 6 feet of a permanent container is visible to adjacent properties or a public right-of-way or easement, the property owner shall install xeriscape landscape screening to buffer that visible view, with a minimal initial planting height of 4 feet, and a minimum plant spacing distance of 2 feet.

(D) Business and public-institutional zoned properties (i.e., B-1, B-2, B-3, B-4, B-5 and PI).

(1) Use. Accessory structures shall only be used for storage of materials for the primary business, or for the temporary storage of equipment and materials during general construction at the business or institutional building location, provided such activity is authorized by a valid permit issued to a duly licensed and bonded contractor who has obtained a city business and privilege tax license. If used for temporary storage during general construction, the accessory structure shall be removed within 30 calendar days from the date of issuance of the certificate of occupancy. The accessory structure(s) shall not be connected to utilities.

(2) Location. Accessory structures may be permitted in all business, industrial and public/institutional zoning districts, with a legally established commercial, industrial or public/institutional use on the property, and must be located to the rear or side of the principal building in a manner that minimizes public view from neighboring properties and/or the public street, as determined by the Director or his or her designee.

(3) Minimum lot size. None.

(4) Maximum number and size. One overseas shipping container, less than or equal to 320 square feet in size per property. A maximum of 10 temporary, overseas shipping containers may be permitted for seasonal use, not to exceed 120 days.

(5) Accessory structures constructed prior to the main building. Accessory structures shall not be constructed or established on a commercial lot until construction of the principal building is completed or the primary use is established.

(6) Overseas shipping containers.

(a) If a permanent container is visible to adjacent properties from side or rear yards, a public right-of-way or easement, a minimum-8-foot-high, structural screen wall, compatible with the design and architecture of the principal building, is required and shall be designed and constructed in accordance with Vol. I, Chapter 7: Buildings, of the Apache Junction City Code.

(b) This requirement shall not apply to accessory structures that are of masonry construction. In lieu of an 8-foot-high, structural screen wall, the owner may install and maintain landscaping that will, within 5 years of planting, effectively screen 100% of the accessory structure from public view.