

“AUGUST 2021 AMENDMENTS TO THE APACHE JUNCTION CITY CODE, VOLUME II, LAND DEVELOPMENT CODE, CHAPTER 1: ZONING ORDINANCE, ARTICLE 1-5: ZONING BULK AND USE REGULATIONS, SECTION 1-5-2: RESIDENTIAL BULK REGULATIONS, TABLE 5-2: FOOTNOTES 7, 8, 9, AND 10; ARTICLE 1-6: SUPPLEMENTAL REGULATIONS, SECTION 1-6-5: ACCESSORY STRUCTURES, SECTION 1-6-8: CARGO CONTAINERS; AND ARTICLE 1-17: DEFINITIONS”, ONE ELECTRONIC COPY WHICH IS ACCESSIBLE ON THE CITY’S WEBSITE (WWW.AJCITY.NET) AND ONE PAPER COPY WHICH IS FILED IN THE OFFICE OF THE CITY CLERK, IS HEREBY DECLARED TO BE A PUBLIC RECORD AND SHALL BE MADE AVAILABLE FOR PUBLIC USE AND INSPECTION.

The following amendments are made to the Apache Junction City Code, Volume II, Land Development Regulations, Chapter 1: Zoning Ordinance:

(A) § 1-5-2 RESIDENTIAL BULK REGULATIONS. Table 5-2. Footnotes 7, 8, 9, and 10 in Table 5-2, Residential Bulk Regulations shall be amended as follows:

7. Maximum size for accessory structures in the RS-GR district. There is no size limit on accessory structures in the RS-GR district.

Maximum size for accessory structures 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..

Maximum size for accessory structures 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 percent of the main structure’s roof area or shall not cover more than the lot coverage percent specified for the zoning district, whichever is less.

8. Maximum height for accessory structures in the RS-54 and RS-54M district. The maximum accessory structure height is 20 feet for RS-54 and RS-54M zoned properties.

9. Setbacks for metal sided accessory structures in RS-54 and RS-54M district. Accessory structures with metal siding located within the RS-54 and RS-54M zoning districts shall meet the main building setbacks.

10. Accessory structures < 120 square feet. Accessory structures less than 120 square feet in size shall not be located between the main structure (home) and the front property line, and shall have a minimum side and rear setback of 3 feet. 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.

(B) § 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 bathing facilities or stove/oven) 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, § 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 percent of the main structure's roof area or shall not cover more than the lot coverage percent specified for the zoning district, whichever is less. For all residential zoning districts, accessory structures shall not cover more than the lot coverage percent 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 sanitary plumbing fixtures for bathing or 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 damaged 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 four (4) feet above the ground surface shall be prohibited (*e.g.* Quonset huts).
12. *Conflict with Other Regulations.* If there is a conflict between the standards of this section and any other requirement of this Ordinance, 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 percent 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 façade 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 agriculture use.
 - a. Other than an approve Home Occupation approved under Apache Junction City Code, Vol. II, Land Development Code, Chapter 1: Zoning Ordinance, Article 1-6: Home Occupation, Section 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 façade of the home. Garages are subject to all setback requirements. Carports are not permitted to encroach past the front façade 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 eight (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* AJCC, 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.*
 - i. Number Allowed. No more than one overseas shipping container shall be allowed on any residential property with the exception of one additional emergency use container.
 - ii. Size Limit.
 - 1. RS-GR, RS-54 and RS-54M zoned properties may have one container not exceeding 320 square feet in size.
 - 2. All other residential zoning districts, except MHP and RVP zoned properties, may have one container not exceeding 160 square feet in size.
 - iii. 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 ten (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.* 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 masonry screen wall that is compatible with the design and architecture of the principal building is required and shall be designed and constructed in accordance with Chapter 7 of the Apache Junction City Code.
 - a. 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 five (5) years

of planting, effectively screen 100% of the accessory structure from public view.

(C) § 1-6-8 CARGO CONTAINERS, is repealed in its entirety.

(D) ARTICLE 1-17: Definitions

The definition for “Cargo Container” shall be deleted and replaced with the definition for “Overseas Shipping Container.”

OVERSEAS SHIPPING CONTAINER (also known as **CARGO POD, CARGO CONTAINER, SHIPPING CONTAINER, MOBILE-MINI, STORAGE CONTAINER**). An accessory structure which is portable, reusable and prefabricated vessel no larger than 9 feet tall, 8 feet wide, and 40 feet long, without an axle or wheels, which was: 1) originally designed for or used in the packing, shipping, movement or transportation of freight, articles, goods, or commodities; and/or 2) designed for or capable of being mounted or moved on a rail car or being mounted on a chassis or bogie for movement by truck trailer or loaded on a ship. This definition does not include, and therefore does not allow, a semi- truck trailer in any form (intact, dissected, with or without wheels), railroad car (with or without wheels), mobile or manufactured home, park model, recreational vehicle, or bus, to be used as an accessory structure.