

Re: Palms RV Resort Subdivision Setbacks

General Statement: Accessory structures in the Palms RV Resort Subdivision must be a minimum of 3 feet from the side and rear property lines and a minimum of 3 feet from any dwelling space. Any accessory structure of 120 square feet or more with plumbing must meet dwelling setbacks of 7 feet from the side and 10 feet from the rear property lines. All structures must be a minimum of 10 feet from the front property lines.

Background: The subject property, The Palms RV Resort Subdivision (APN 112-17-006) is subject to the Glen Curtis Pre-annexation Development Agreement (Resolution R95-057, recorded in Docket 2066, Pages 787-795 on December 19, 1995). One of the purposes of this agreement was to ensure that the properties named in the agreement would be allowed to develop to Yuma County standards for Land Use, Subdivision, Utilities, Engineering, Building, and Drainage for fifteen years.

The agreement will expire on December 19, 2010. All lawfully-established development existing at that date will be "deemed valid and lawful and as such shall not be subject [to] subsequently adopted City Zoning Ordinances and regulations". Therefore, development established on any property listed in this agreement is allowed to continue with Yuma County Codes even after annexation into the City of Yuma.

The Palms RV Resort property was annexed with Ordinance #O96-26 on 03/21/1996 and can be developed to County Standards until 12/19/2010. Additionally, all existing development at the 2010 date will be considered legal nonconforming (grandfathered-in) and can continue indefinitely.

The main concern with the Palms RV Resort and the Glen Curtis Pre-annexation Development Agreement is setbacks for accessory structures. Generally, according to the Yuma County Zoning Ordinance, accessory structures are allowed to be placed within 3 feet of a side or rear property line as long as the accessory structure is detached from the established principal use. The dwelling is the principal use. To be considered detached, the accessory structure must be a minimum of 3 feet from the principal use and anything attached to the principal use. Structures attached to the dwelling are considered part of the dwelling and anything within 3 feet of the dwelling or its attachments are also considered part of the dwelling and must meet dwelling setbacks.

An example would be that a lot has a park model with a room addition. The room addition is attached to the dwelling, so for setback purposes, the room addition is considered part of the dwelling. If a property owner wishes to place a shed on the property also, the shed must be at least 3 feet from any part of the park model or room addition. If the shed is closer than 3 feet to any part of the park model or room addition, it is considered to be part of the

principal use and must be 7 feet from the side property lines and 10 feet from the rear property lines.

There are exceptions, such as:

- Open awnings attached to a dwelling can be 3 feet from the side property lines but still must maintain the dwelling's front and rear setbacks.
- Yuma County has a unique type of structure definition and setback for an "RV Support Structure" which depends on the specific size and plumbing fixtures within the structure. This setback requirement came about through necessity when, over the many years, sheds and garages with plumbing became the basis for additions that eventually morphed the accessory structure into a complete dwelling. The issue was that the result was a dwelling that did not meet dwelling setbacks. So the County now requires accessory structures with plumbing in the RVS Zoning District to meet dwelling setbacks in anticipation that they may become dwelling space in the future as past experience has proven.

The following are several sections from the Yuma County Zoning Ordinance relating to setbacks and accessory structures. There may be more sections relating to this subject, so please refer to the latest Yuma County Zoning Ordinance which is available at the Yuma County website.

General Requirements for Accessory Structures:

Section 202.00--Definitions

Recreational Vehicle Support Structure: A single, detached structure in an RVS Zoning District, which is constructed with a minimum floor area of 120 square feet and has either of the following:

- A. bath facilities including lavatory, toilet, shower or any combination thereof or;
- B. laundry facilities including washing, drying, water heater or any combination thereof.

An RV support structure shall meet the setback requirements as set forth in Section 609.05 of the Yuma County Zoning Ordinance.

Section 609.05--Minimum Lot Width and Principal Buildings Setback Requirements

The following are the minimum lot width and setbacks for all principal buildings in the Recreational Vehicle Subdivision (RVS) district:

Plate VI-15: Minimum Lot Width & Setbacks

Minimum Lot Width: 40 feet

Minimum Front Yard Setback: 10 feet

Minimum Side Yard Setback: 7 feet

Minimum Rear Yard Setback: 10 feet

Minimum Side Street Setback: 10 feet

Minimum Setback Between Dwellings: 14 feet

Section 1102.02--Setback Exceptions

Every part of a principal building or its attachments shall meet the required setbacks of the district in which they rest, except as follows:

A. Ordinary projections of window sills, cornices, eaves and other ornamental features may project a distance not exceeding two feet (2') into any required yard.

B. Chimneys may project a distance not exceeding two feet (2') into any required yard.

C. Bay windows and balconies and such features, which do not touch the ground, may project a distance not exceeding three feet (3') into the required front, side or rear yard, provided such projection shall be at least five feet (5') from any property or setback line.

D. Uncovered stairs and necessary landings may project a distance not exceeding six feet (6') into the required front or rear yard, provided that such stairs and landings shall not extend above the entrance floor of the building except for a railing not to exceed three feet (3') in height.

E. Terraces, patio covers, awnings, carports, platforms and ornamental features may project into any required side yard, provided such features shall be distant at least three feet (3') from any lot line or setback line.

Section 1105.00--Number of Principal Buildings on a Lot

1105.01--Building Placement

Every building, which contains dwelling space, shall be located on a lot in conformance with principal building setback requirements as defined in these Zoning Regulations.

Section 1106.00--Accessory Buildings and Uses

Accessory buildings, accessory uses or the storage of recreational vehicles are allowed upon a lot when the principal residential building, inclusive of recreational vehicles, manufactured homes and site built homes, has been established.

A stored manufactured home is not allowed in any of the following residential zoning districts: Rural Area, Suburban Ranch, Suburban Site-Built, Low Density Residential, Medium Density Residential, High Density Residential, Manufactured Home Subdivision, Recreational Vehicle Subdivision, Manufactured Home Park, Recreational Vehicle Park and Residential Commercial.

The storage of recreational vehicles as an accessory use is not allowed unless the principal residential building is occupied. Stored recreational vehicles shall not be occupied overnight. A connection for battery recharging purposes shall be allowed. (refer to Section 1104.00 for setback requirements).

Section 1106.02--Setbacks

Accessory buildings shall meet the minimum principal building front yard setback for the zoning district within which they lie. Accessory buildings may be built, and recreational vehicles may be stored, in the rear or side yard of the property but shall not occupy more than thirty percent (30%) of the rear yard and shall not be nearer than three feet (3') to any side or rear lot line or setback line. When a garage is entered from an alley, it shall not be located nearer than ten feet (10') to the alley line. Accessory buildings must be set back at least three feet (3') from the principal residential building to be considered detached. Accessory buildings less than three feet (3') from the principal residential building are considered a part of the principal residential building and must meet principal building setbacks.