



Yuma County, Arizona
DEPARTMENT OF DEVELOPMENT SERVICES

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MEMORANDUM

TO: Interpretation file
FROM: Monty Stansbury, Planning Director *MS*
SUBJECT: Residential districts without established principal use
DATE: March 30, 2004

Scenario- The zoning district is an SR-4. There is no residence or primary building established on the parcel. However, there are two semi flatbed trailers, two semi-tractors stored/parked along side with a ½ ton pickup truck and an automobile. All these vehicles appear to be fully operational.

Question 1: Are these vehicles considered to be an accessory use?

REPLY: By definition, accessory is anything which is joined to another thing as an ornament, or to render it more perfect, or which accompanies it, or is connected with it as an incident, or as subordinate to it, or belongs to or with it. A thing of subordinate importance. (Black's Law Dictionary, 6th Edition). Yes, and in accordance with Zoning Ordinance Section 1106.01, "Accessory buildings or 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".

Question 2: Would an accessory use be the definition of anything placed or stored on a property that is not the primary or predominant use?

REPLY: Yes, see above reply.

Question 3: If the answer to #1 above is yes, then are they allowed to be parked/stored on the property without the primary building/residence being established?

REPLY: No, unless they are ancillary to an agricultural use that would qualify for an exemption.

Question 4: Does the violation, which is occurring more frequently here in the past few months, fall under the provisions of Permitted Uses of the appropriate zoning, or Section 1106.00 Accessory Uses & Storage Allowed, or Section 1108.10 RV, Construction Equipment, and Truck, Boat or Trailer, Storage in Residential Districts?

REPLY: The violations apply to all sections referenced above and should be included accordingly.

Question 5: Does Section 307.00 catch all in this instance?

REPLY: Section 307.00 reads, "Uses designated as permitted by any district regulations shall be permitted upon compliance with all of the regulations specified for the zoning district in which the use is sought. Any use not specifically permitted in a district, either as a permitted use or denial of a use, is specifically prohibited from that zoning district".

No. This is more of an instructional section that is intended to aid in understanding that the use cannot occur apart from the development standards for the specific zoning district and unless it is listed as a permitted use, it is not allowed. But the section can always be used by reference.

Question 6: What are the options available besides establishing a primary building/residence or removing vehicles completely from lot? Rezoning?

REPLY: It depends. Would the establishment of a primary residence make the issue of storage permitted? Examination of the use needs to be done both on a minimum examination of meeting the existing regulations as well as what options of zoning would be compatible with the present activities/uses.

cc: H. Aldrich, D. McDowell, E. Feheley, M. Carrasco, [REDACTED]