

ORDINANCE NO. O2018-032

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF YUMA, ARIZONA, AMENDING CHAPTER 154 OF THE YUMA CITY CODE, AS AMENDED, RELATING TO ZONING REGULATIONS, PROVIDING FOR CHANGES TO THE ZONING CODE TO UPDATE THE INFILL OVERLAY DISTRICT THEREOF

WHEREAS, from time to time it may be desirable to modify the zoning code keeping within the context of a dynamic and growing community; and,

WHEREAS, the City of Yuma Planning and Zoning Commission held a public hearing on June 25, 2018 in Zoning Case no: ZONE-21864-2018 in the manner prescribed by law for the purpose of amending the City of Yuma Zoning Code; and,

WHEREAS, due and proper notice of the public hearing was given in the time, form, substance and manner provided by law, including publication of notice of the hearing in the Yuma Sun on June 1, 2018; and,

WHEREAS, the City Council has considered the recommendation of the Planning and Zoning Commission to approve the rezoning in Case No: ZONE-21864-2018 and finds that the zoning code text amendment supports the goals and objectives of the Yuma General Plan, and is in basic harmony with the goals and objectives of the City of Yuma Zoning Code.

NOW THEREFORE, BE IT ORDAINED by the City Council of the City of Yuma as follows:

SECTION 1: That the Yuma City Code, Title 15, Chapter 154, Article 14 Overlay Zoning Districts to be amended to insert the bolded text and delete the strike through text in the following subsection thereof:

§154-14.09 Infill Overlay District (IO).

(A) *Purpose and Intent.*

- (1) The Infill Overlay District is an overlay to the underlying zoning district which may be used in combination with any zoning district provided in this zoning code. It is in the public interest to maximize efficiency of the utilization of public services, infrastructure, and facilities as a means to achieve focused growth and to provide a cost-effective method for municipal service delivery. Within the identified Infill Overlay District, there exists an opportunity to achieve maximum utilization of land resources that have been under-utilized in past development. The City of Yuma encourages infill development to be compatible and consistent with existing uses in the area.
- (2) The purpose and intent of the Infill Overlay District includes, but is not limited to, the following:
 - (a) Encouraging investment and maintenance of the existing neighborhoods;
 - (b) Stabilizing and enhancing property values;

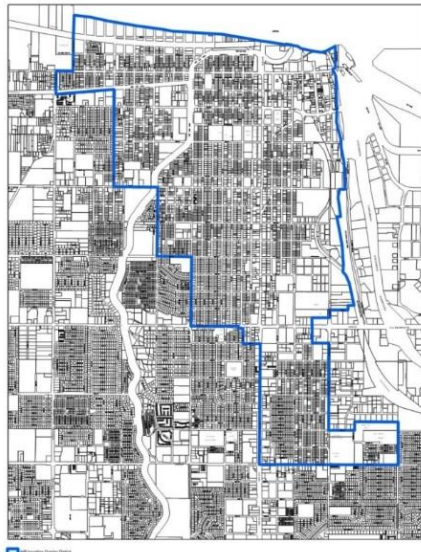
- (c) Promoting new development that will enhance and protect existing structures;
- (d) Encouraging efficient use of land and public services in existing neighborhoods;
- (e) Providing flexibility in development standards to facilitate infill development and redevelopment; and
- (f) Promoting neighborhood preservation and enhancement through redevelopment of blighted, distressed and underutilized properties.

(B) *Applicability.*

- (1) The provisions of the Infill Overlay District apply to all parcels identified within the boundary, which meet the eligibility section below, and are able to utilize the provisions set forth in this ordinance.

All land uses and development, including but not limited to: buildings, parking areas, landscaping and design, shall be located and/or provided in accordance with the provisions of the zoning ordinance and land development regulations, except as modified by this chapter.

- (2) The boundaries of the Infill Overlay District are generally based upon the redevelopment element as adopted by the City of Yuma General Plan:



- (C) *Relationship to underlying zoning districts.* All provisions of the city code that would apply to a non-infill project shall apply to infill projects except as specifically modified in this ordinance. The developer and/or owner of property within the specified area of this overlay may choose to develop their property using either the standards of the underlying zoning designation or the standards set forth within this chapter. If the developer decides to use

the standards set forth in this chapter, then standards of this section shall take precedence over those of the underlying zoning designation and other sections of the zoning code. If the developer decides to use the standards of the underlying zoning designation, the standards of this chapter will not apply.

(D) ***Use Regulations.***

(1) ***Permitted principal uses.***

- (a) **The principal uses as allowed in the underlying zoning districts; and**
- (b) **Corner markets, in accordance with §154.15.17.**

(2) ***Conditional uses.***

- (a) **The conditional uses of the underlying zoning district may be established or operated as a conditional use, upon application and approval by the Planning and Zoning Commission.**

(E) ***Pre-development meetings.*** All development inquires and requests within the Infill Overlay District shall be required to be reviewed and assessed during a pre-development meeting, where customers and City staff discuss typical development standards and identify any potential incentives available for a particular site.

~~(D)~~ ***(F) Design review procedures.*** Infill Overlay District development standards shall be incorporated into ~~any~~ **all** project plans submitted to the city for which a ~~development~~ **building** permit is required. The Zoning Administrator, or his or her designee, shall review all Infill Overlay District development standards incorporated in such project plans to ensure compliance with the intent and spirit of the district. Any property located within a Historic District or Aesthetic Overlay District will require review and approval by the Design and Historic Review Commission (DHRC) prior to the issuance of any construction or ~~development~~ **building** permits.

~~(E)~~ ***(G) Infill Incentive Plan.*** The City of Yuma Infill Incentive Plan ~~(HP)~~ was prepared by the City Community Planning Division in coordination with Building Safety, Engineering, Utilities, the Heritage Area and City Administration. The Plan describes the process used to identify vacant and underutilized land in the city and formulates a strategy for encouraging development and redevelopment in the area. The Plan's primary goal is to promote infill development, rehabilitation, and reuse of properties that contribute positively to the identified redevelopment areas.

The Plan assesses development-related concerns in the infill area, evaluates the regulatory processes related to development, and provides focused incentives for development and redevelopment of infill sites.

SECTION 2: It shall be unlawful for any person, firm or corporation to violate, or cause the violation of, any provision of the ordinance. Unless otherwise specifically provided for in this chapter, any person, firm

or corporation violating any of the provisions in this ordinance shall be guilty of a class 1 misdemeanor, and upon conviction thereof shall be punished by a fine not to exceed \$1,000 or by imprisonment for not more than ten days or both fine and imprisonment. Each separate day or part thereof during which such violation of this ordinance occurs or continues shall be deemed to constitute a separate offense, and upon conviction thereof shall be punishable as herein provided.

Adopted this _____ day of _____, 2018.

APPROVED:

Douglas J. Nicholls
Mayor

ATTESTED:

Lynda L. Bushong
City Clerk

APPROVED AS TO FORM:

Richard W. Files
City Attorney