

ORDINANCE NO. O2021-012

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 THE UPDATE TO CORNER MARKET REGULATIONS WITHIN THE INFILL OVERLAY DISTRICT

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 May 24, 2021 in Zoning Case no: ZONE-34231-2021 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 April 16, 2021; and,

WHEREAS, the City Council has considered the recommendation of the Planning and Zoning Commission to approve the rezoning in Case No: ZONE-34231-2021 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: Yuma City Code, Title 15, Chapter 154, Article 15 titled General Provisions is amended to insert the following bolded text and delete the strikethrough text:

§154-15.17 Corner Markets in Residential Districts within the Infill Overlay District.

- (A) *Purpose.* Regulations for corner markets are established to promote the general convenience, welfare and prosperity of the community. Allowing limited commercial development to occur within certain residential districts allows nearby residents the opportunity to conveniently access goods and services. ~~Which~~ **This** translates to an increase in walking, and a decrease in trips by automobile, benefiting the health of residents and reducing traffic congestion and energy consumption for transportation. To protect the residential character of the neighborhood, corner markets shall be limited to specific uses ~~so as to protect the public health, safety, convenience, general welfare and character of the surrounding residential neighborhood.~~

The Infill Overlay District is intended to encourage walkable, mixed-use development. Careful planning efforts, allow for new development and businesses, giving residents the option to live close to their daily destinations. By permitting limited commercial activities to occur within the residential districts of the Infill Overlay, the City of Yuma is providing residents the opportunity to increase mixed-use development and create more livable neighborhoods.

(B) *Uses allowed as a corner market:*

- (1) Cafés;
- (2) Grocery and produce sales;
- (3) Bakery;
- (4) Deli;
- (5) Hardware stores; and
- (6) Personal service(s); limited to salons, barbers, tailors and laundromats.

(C) *Conditional uses allowed as a corner market:*

~~(1) Group teaching of the arts, including music, vocal, dance or physical training; limited to no more than five students per session, in accordance with §154-03.05. In addition to the requirements outlined in §154-03.05, such uses shall also be subject to the following development standards:~~

- ~~(a) All lessons shall be located within an enclosed building;~~
- ~~(b) Adequate parking shall be provided through on-street and off-street parking. Parking shall be provided for each parent vehicle and for each employee;~~
- ~~(c) The hours in which classes begin and end need to be properly timed in order to ensure no traffic congestions occurs; and~~
- ~~(d) Hours of operations shall be limited to the hours between 8:00 a.m. and 8:00 p.m.~~

- (1) **Any use permitted within the Limited Commercial (B-1) District, except any type of adult oriented businesses.**
- (2) **Allowed uses as identified in § 154-15.17 (B) which do not meet the development standards in § 154-15.17 (F).**

(D) *Limitations.* Allowed uses above shall not be permitted to **primarily** engage in the sale or consumption of alcohol.

(E) *Allowed accessory uses.* A single dwelling unit located within the same building may be owner-occupied or a rental unit.

(F) *Corner Markets.* Corner markets are subject to the following development standards:

(1) *Location.* Corner markets shall be located on 2-lane collector streets as identified by the 2014 City of Yuma Transportation Master Plan.

(2) *Lot size.* Corner markets are permitted on lots that meet the minimum lot size requirement for the zoning district they are located.

(3) *Lot coverage.* Corner markets are required to meet the lot coverage allowances as dictated by the applicable zoning or overlay district.

(4) *Setbacks.* Corner markets are required to meet the setback requirements as identified within the applicable zoning or overlay district.

(5) *Height.* Corner markets shall not exceed a total building height of 25 feet and shall be in keeping with the general character of the surrounding area.

(6) *Maximum area.* The area of a corner market shall be limited to a maximum gross floor area of 1,600 square feet.

(7) *Distance.* A corner market may not be located within 1000 feet of another corner market.

(8) *Landscaping and irrigation.* Landscaping and irrigation shall be provided in the manner set forth in Article 20 of this chapter.

(9) *Parking.* Corner markets and any attached residential unit shall provide adequate parking as outlined below.

(a) A corner market shall be required to provide two spaces off-street.

(b) Off-street parking shall be limited to no more than four spaces.

- (c) Retail uses shall provide one space for each 400 square feet of gross floor area.
 - (d) Cafes shall provide one space for each 50 square feet of gross floor area where the public is served.
 - (e) Required parking utilized by customers may be provided through the means of on-street parking, if available. If utilizing on-street parking, parking is to be located on the same side of the street as the use, may not extend beyond the street frontage of the subject property, and must be approved by the City of Yuma Traffic Engineer.
 - (f) In addition to motor vehicle parking, bicycle parking shall be provided on-site.
 - (g) Unless specified above, all parking areas shall be provided in accordance with Article 16 of this chapter.
- (10) *Lighting.* All exterior lighting fixtures shall be properly arranged, shielded and located as to direct the light away from any public or private street right-of-way or adjoining residential properties, as specified in Article 18 of this chapter. In addition to the requirements outlined in Article 18, light poles shall be restricted to a maximum height of 12 feet.
- (11) *Hours.* Hours of operation, including the loading and unloading of merchandise, are limited to the hours between 6:00 a.m. and ~~8:00 p.m.~~ **10:00 p.m.** ~~Deliveries shall not be permitted between the hours of 8:00 p.m. and 6:00 a.m.~~
- (12) *Neighborhood meeting.* A neighborhood meeting shall be held on-site prior to the issuance of a building permit and/or establishment of a corner market. Neighborhood meetings are an informal meeting between the applicant and interested residents who may reside, own property, or work in the area. These meetings offer residents an opportunity to provide input before formal plans are rendered.
- (13) *Appeal.* An appeal, initiated by the applicant or neighboring resident, regarding a determination of the Zoning Administrator ~~may be requested to the Hearing Officer in accordance with §154-~~

~~03.02(C).~~ or the Planning and Zoning Commission under this Section, shall be quasi-judicial in nature and appeal shall be made to the City Council by filing a Notice of Appeal with the Yuma City Clerk within 15 days following the determination. City Council's decision shall be final.

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 _____, 2021.

APPROVED:

Douglas J. Nicholls
Mayor

ATTESTED:

Lynda L. Bushong
City Clerk

APPROVED AS TO FORM:

Richard W. Files
City Attorney