

ORDINANCE NO. O2020-020

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 ADDITION OF REGULATIONS FOR THE PLANNED AREA DEVELOPMENT (PAD) OVERLAY DISTRICT WITHIN THE CITY OF YUMA 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 July 27, 2020 in Zoning Case no: ZONE-30691-2020 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 3, 2020; and,

WHEREAS, the City Council has considered the recommendation of the Planning and Zoning Commission to approve the zoning code text amendment in Case No: ZONE-30691-2020 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 City of Yuma Code, Title 15, Chapter 154, Section 14 Overlay Zoning Districts be amended to insert the following subsection thereof:

§ 154-14.10 Planned Area Development Overlay District (PAD).

(A) Purpose and intent.

- (1) To permit and encourage the unified planning of large areas in order to achieve the mixture, variety and cohesiveness of land uses and amenities that such large scale planning makes possible.
- (2) To encourage a more creative approach to land utilization by creating efficient, aesthetic, and desirable developments, which may be characterized by incorporating special features of the geography, topography, size, uses, or shape of a particular property into its site planning.

- (3) To permit flexibility in design standards so that a Planned Area Development produces a choice in the type of environment, living units, commercial installations, and other facilities available to the public while maximizing efficient, aesthetic, and desirable use of open space.
- (4) To promote a unique yet compatible development that is in harmony with the surrounding land uses and the goals of the City of Yuma General Plan.
- (5) To provide a device for averaging residential density over an entire parcel and placing no restrictions on lot size or dwelling types, as long as the total density does not exceed the maximum approved in the Specific Plan and/or General Plan designation.
- (6) To provide standards to ensure that Planned Area Development projects are developed with high quality, integrated site design, complimentary building architecture, efficient and safe traffic circulation, appropriate landscaping, preservation of significant natural features, and attractive site amenities.

(B) Applicability.

- (1) The Planned Area Development District is an overlay zoning district which may be combined with any of the other zoning districts set forth in the City of Yuma Zoning Code, including Residential Districts, Commercial Districts, and Industrial Districts.
- (2) The minimum site area for a Planned Area Development Overlay District which is subject to a Specific Plan shall be 60 acres; while a minimum site area of 160 gross acres shall be required for those not subject to a Specific Plan.
- (3) Prior to development on any site within the Planned Area Development, approval of Development Plans are required. Development Plans provide the details of development for individual development parcels within the Planned Area Development. Development Plans are to be approved by City Council through Resolution.

(C) General requirements.

- (1) In general, a variety of housing types shall be encouraged for residential Planned Area Developments to provide for the diverse needs of the community. Parcel densities within the Planned Area Development may be flexible as long

as the maximum number of dwelling units does not exceed the maximum number approved in the Specific Plan and/or General Plan designation.

- (2) Development which includes a mix of residential and commercial and/or other non-residential uses shall include specific standards in the Development Plan to address the manner in which compatibility of uses is achieved.
- (3) Land uses on the perimeter of the Planned Area Development shall be designed and developed to be compatible with and complimentary to the existing and planned development reflected in the General Plan, which is in the immediate vicinity of the proposed Planned Area Development.
- (4) Planned Area Developments located on the perimeter of the city boundary or abutting designated open space shall provide an appropriate approach for transition and/or buffering between land uses so as to ensure appropriate compatibility of uses. Such transitions may be addressed by reducing the density of residential development, providing additional development setbacks and/or additional open space and landscape buffering between the Planned Area Development and abutting land uses.
- (5) Planned Area Development located adjacent to designated open space shall be evaluated to identify opportunities for providing non-motorized trail access from within the development to abutting open space or public lands.
- (6) Development which features common space, residential subdivision landscaping, retention basins, architectural features, and other amenities, shall establish an applicable association and/or improvement district.

(D) Use regulations.

- (1) *Permitted principal and accessory uses.* Uses permitted within the Planned Area Development District shall be limited to those uses identified in the Specific Plan and/or the underlying zoning district.
- (2) *Conditional uses.* The conditional uses of the Specific Plan area and/or underlying zoning districts may be established or operated as a conditional use, upon application and approval by the Planning and Zoning Commission.

(E) Development Plan.

- (1) Submittal and approval of a Development Plan is required prior to development of any parcel within a Planned Area Development.

- (2) The Development Plan shall be generally consistent with the development parameters set forth in the Specific Plan. Refinements in site configuration and development parcel size are allowable, as long as any limitations applied to the overall Planned Area Development are met.
- (3) The Development Plan shall be submitted, hard copy or digitally, with the following information included:
 - (a) Title page indicating the project name, location, applicant(s) and developer(s) contact information and date of submittal.
 - (b) Table of Contents
 - (c) Project Narrative summarizing the proposed development and identifying the objectives and rationale for the proposal shall include at a minimum the following information:
 - 1. Proposed name of development;
 - 2. Description of location of the proposed project, including parcel numbers, addresses, if available, and closest street;
 - 3. Summary of the proposed development use(s) and the development standards for the use(s), including:
 - i. Proposed number of dwelling units and dwelling types within a residential project area;
 - ii. Proposed uses other than residential shall identify project area, square footages;
 - iii. Proposed public streetscape and open space improvement and their relationship to the overall development;
 - iv. Summary of proposed property development standards, including building heights, minimum lot areas, setbacks, and all other development standards;
 - v. A conceptual description of architectural theme, colors, and exterior building materials proposed within the development area;

- vi. A conceptual description of the landscaping treatment, plant materials, fences, walls, and other open space improvements;
- vii. Proposed location of arterial, collector, or local streets, whether public or private, within a preliminary master circulation plan;
- viii. Proposed location and use of all lands proposed to be dedicated for public purposes including parks, stormwater retention areas, and school sites; and
- ix. Preliminary master water, sewer, and drainage reports.

(d) Graphic exhibits of the proposed site plan, landscape plan, building plans and elevations, and other exhibits necessary to describe the proposed development, including the following:

- 1. A conceptual development site plan for the proposed development showing existing and proposed parcel boundaries, building locations, pedestrian and vehicular circulation systems, parking areas, landscape areas, right-of-way and open space areas;
- 2. A vicinity map identifying the project location in relation to the surrounding development and circulations systems. Indicate zoning on surrounding parcels;
- 3. Photographic exhibits of the subject property displaying any existing development or natural features; and
- 4. Other exhibits as necessary to describe the proposed project.

(e) Flexibility with development standards may be considered where superior design quality is provided resulting in a more innovative, creative project. Provide a detailed summary of proposed development standards for the project, including the following;

- 1. Minimum lot sizes, building setbacks, maximum height, maximum lot coverage and similar standards, as applicable;
- 2. Describe standards for parking, lighting, signage, and landscaping; and

3. Unique development standards, such as buffering and screening between uses, project entry features, or other requirements related to the physical development of the project.
- (f) The design guidelines section of the development plan shall describe both the overall development theme and specific design details for buildings and structures, site walls, signage, lighting, landscape features, paving, and similar project elements. It is the intent of the Planned Area Development standards that each project will be developed with an integrated design theme that defines the character of the development. The applicant shall develop and provide design guidelines for the project to include the following:

1. General Guidelines:

- i. Describe the architectural theme for the development and provide graphic examples where necessary to illustrate how the design theme applies to the various elements of the development;
- ii. Provide design details for buildings, site features, site walls, signage, lighting, landscaping, pavement and other project elements;
- iii. For large-scale residential development, provide a variety of housing types (single-family, two-family, and multi-family), housing densities (lot width, depth and size), and home design (different floor plans, elevations and orientation);
- iv. Garage doors and carport openings need to be located at the same distance or farther back from the street frontage of the primary dwelling so as to avoid a neighborhood streetscape dominated by garage doors or parking structures; and
- v. Provide graphic exhibits, as necessary, to describe specific details related to design guidelines, including building design, paving, landscaping, site walls, sign structures, lighting or similar features.

2. Site Features:

- i. Provide details for project entry features, including decorative walls, landscaping, project identification signage and other design elements;

- ii. Provide details for perimeter site walls. Walls should be appropriately detailed to enhance the quality and character of the project. Incorporate treatments such as stucco finish, brick, decorative cap block, combination block/wrought iron, and integration with adjacent landscaping. Wrought iron, view type fences should be utilized when adjacent to retention basins, open space, and recreational amenities. Chain link fences and standard block walls shall be avoided where visible from streets or surrounding properties; and
- iii. Design outdoor lighting to address safety and utility, as well as to enhance the character of the buildings, landscaping and site features.

3. Building Design:

- i. Provide a summary of the proposed materials and colors for the development. Describe exterior materials and colors of building components, including walls, windows, doors, and roofs. Reproductions of color samples may be included in the development plan for reference with a separate set of manufacturer's material and color samples provided for public hearing review; and
- ii. Although it is the intent of this ordinance to encourage a coordinated design theme for the Planned Area Development, variety in the design of the individual buildings and residences is strongly encouraged, including variety in building massing elements, roofing materials and exterior details.

4. Streetscape Design:

- i. Provide graphic details and descriptions of streetscape design for various types of streets, including local residential streets, commercial or mixed use streets, parkways and collector streets. Indicate pavement details, landscaping, site walls and unique signage to be incorporated in the typical streetscape design; and
- ii. Provide details of street landscaping, including proposed tree varieties. The landscaping shall be designed to enhance the aesthetic quality of the development and to integrate with the surrounding natural environment.

5. Neighborhood Design:

- i. Indicate how the plan provides a coherent system of neighborhood elements, including interconnected residential blocks, orientation of homes to the street, open space and parks, and safe, convenient and interconnected pedestrian connections; and
- ii. Provide adequate buffering and/or screening from less compatible neighborhood elements, such as arterial and collector streets, and adjacent non-residential uses.

(g) Open space standards.

1. Open space shall be designed as an integral part of the development. The designation of open space includes both undisturbed natural areas and development landscaped components. Open space should be designed to provide interconnection and continuity between undeveloped areas to the greatest extent possible so as to address the health of the environment, habitat protection and natural process.
2. Open space shall not be less than 30 percent of the gross acreage, of parcels within the Planned Area Development proposed for residential and mixed-use development, excluding public and private road rights-of-way; and not less than 10 percent of the acreage of the parcels within the Planned Area Development proposed for commercial or industrial development, excluding public or private road rights-of-way, unless offsetting community benefits are demonstrated and approved in the development plan.
3. Open space shall be conceptually depicted in the development plan as:
 - i. Dedicated municipal use, public parks, and school sites;
 - ii. Bike paths, equestrian, and/or hiking trails;
 - iii. Public or private park and recreations areas;
 - iv. Flood way and floodplain areas designated as undeveloped areas;
 - v. Retention basins required to comply with one-hundred (100) year storm shall be counted as open space when improved or landscaped to be a cohesive and integral element of the overall landscape plan;

- vi. Landscape yards that are adjacent to streets or common areas and that are designed as commonly-maintained and interconnected areas;
- vii. Development site enhancements, including landscaped and hardscaped areas, plazas, and courtyards; and
- viii. Existing natural areas, including washes, drainage courses, riparian areas, hillsides, ridgelines, and other natural open space areas.

4. Required open space area shall not include any of the following:

- i. Dedicated streets, alleys and other public rights-of-way, except that all landscaping within the rights-of-way shall be included;
- ii. Vehicular driveways, parking, loading, and storage areas;
- iii. Reservation of municipal use, public park, or school sites which the governmental entity shall be required to purchase; only if such sites are dedicated shall they constitute open space as defined above; and
- iv. Yards within residential areas of a Planned Area Development that are not otherwise included as part of a commonly maintained, integrated landscape.

(h) Proposed landscape standards shall be in compliance with Article 20, Landscape Regulations, of this ordinance. Any deviations proposed for the development plan must clearly indicate an improvement to the adopted standards. In addition, the following is required:

- 1. Provide a master plant list for the development indicating trees, shrubs, groundcover, and other plants. Indicate proposed varieties for street trees and parking lot trees;
- 2. Describe techniques to ensure low water use landscaping will be provided, including xeriscape landscape treatment, greywater use and rainwater harvesting methods; and
- 3. Provide graphic details for typical landscape installations, including development entry features, parks or common areas, building landscaping, parking lots, pedestrian walkways, typical streetscape and similar applications.

(i) Describe proposed phasing of the development, if any, and indicate the phase lines on the site plan.

1. Interconnected public streets, sidewalks, drainage features and infrastructure may be required to be installed within the initial phase of development so as to adequately address public safety access, coherent development and functionality of facilities. The proposed phasing plan needs to indicate how adequate, safe, convenient and efficient circulation and infrastructure needs will be addressed with the phasing plan;
2. A Planned Area Development may be constructed in phases and the narrative shall specify the phases of development, locations and timing of on-site and off-site improvements for each phase, as well as, an estimated range of time for beginning and completion of each phase;
3. Requests for minor modifications to the phasing plan shall be subject to approval by the Zoning Administrator with a right of appeal to City Council;
4. Disturbed areas approved for future phased development shall include dust free surfacing and/or temporary landscaping. Additional site treatments may be required for future development areas located next to public streets or adjacent to existing development.

(j) Identify the ownership and maintenance responsibilities for common areas and landscaping within rights-of-way and identify the homeowners association, municipal improvement district, or other mechanism to assure long-term maintenance of common areas and rights-of-way.

1. In the event that certain land areas or structures are provided within the Planned Area Development for private recreational use or as service facilities, the owners of such land and buildings shall establish an arrangement to assure a continued standard of maintenance consistent with the conditions of the Planned Area Development approval.
2. All utility lines shall be installed underground.

(F) Application and Procedures.

- (1) The zoning request for the Planned Area Development Overlay can be submitted separately or in conjunction with the Development Plan. If submitted

separately, a Development Plan will need to be submitted, reviewed and approved prior to the development of a parcel within the Planned Area Development.

- (2) A request for the Planned Area Development Overlay will follow typical zoning procedures as outlined within the City Zoning Code.
- (3) If submitted separately from the Planned Area Development request, the Development Plan will be processed as an independent non-zoning request, receiving approval from both the Planning and Zoning Commission as well as City Council. The Development Plan will be approved through resolution.
 - (a) The Planning and Zoning Commission and the City Council shall have the authority to hear and decide applications for Development Plans associated with a Planned Area Development. However, the City Council shall have the final authority to decide applications for Development Plans; the decision of the Planning and Zoning Commission shall be advisory to the City Council.
 - (b) In considering applications for a Development Plan, the Planning and Zoning Commission and City Council may consider the following:
 - 1. Conformance to the General Plan Land Use Map designation for the subject property, as well as the intent of the General Plan as expressed through the goals, objectives and policies of each plan element;
 - 2. The impact of the development on the existing and anticipated traffic and parking conditions;
 - 3. Adequacy of proposed design criteria and development standards;
 - 4. Pedestrian and vehicular ingress and egress, including handicapped accessibility;
 - 5. Conceptual landscaping proposal;
 - 6. Adequacy of utility infrastructure, including water supply and sewer capacity;
 - 7. Site drainage and grading;
 - 8. Open space and/or public land designations; and

9. Non-motorized and multi-modal circulation.

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 _____, 2020.

APPROVED:

Douglas J. Nicholls
Mayor

ATTESTED:

Lynda L. Bushong
City Clerk

APPROVED AS TO FORM:

Richard W. Files
City Attorney