

ORDINANCE NO. O2025-020

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF YUMA, ARIZONA, AMENDING CHAPTER 154 OF THE YUMA CITY CODE, AS AMENDED, RELATING TO DEVELOPMENT REGULATIONS WITHIN THE PLANNED UNIT DEVELOPMENT OVERLAY

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 April 14, 2025 in Case no: ZONE-43749-2025 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 March 21, 2025; 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-43749-2025 and the probable impact on the cost to construct housing for sale or rent that may occur as a result of this amendment, and finds that the recommendation complies with and conforms to the goals and objectives of the Yuma General Plan, as amended.

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 1, Section 7, Definitions, is amended to insert the bolded text in alphabetical order:

***OPEN SPACE.* Land designated for public or private use that will not be developed, serving as community recreation space. Open space can include parks, playgrounds, playfields, greenbelts, natural areas, walking trails and areas used for active or passive recreation.**

SECTION 2: Yuma City Code, Title 15, Chapter 154, Article 14, Section 7, Planned Unit Developments Overlay District, Subsection C (4), is amended to delete the strike through text and insert the bolded text:

- (4) ~~*Density.* The average lot area per dwelling unit, including common area but excluding area occupied by public or private streets, shall not be less than that required by the zoning district regulations otherwise applicable to the site. In density computations, common area shall include open space and recreational areas that are to be used exclusively for the residents of the development who receive an undivided ownership and responsibilities for such area. The~~ **permitted number of dwelling units shall be determined by the underlying zoning designation.**

SECTION 3: Yuma City Code, Title 15, Chapter 154, Article 14, Section 7, Planned Unit Developments Overlay District, Subsection C, is amended to insert the bolded text:

- (7) ***Open Space.*** A minimum of 15% of the development, exclusive of area occupied by public or private streets, shall be designated for the use of private open space, common open space, or a combination of both.

SECTION 4: Yuma City Code, Title 15, Chapter 154, Article 14, Section 7, Planned Unit Developments Overlay District, Subsection D (2), is amended to delete the strike through text and insert the bolded text:

- (2) ~~*Preliminary Development plan.*~~ The following minimum information is required in addition to requirements of §§ 153-30 and 153-31 of the subdivision regulations:
- (a) *Statement.* A statement of planning objectives to be achieved by the PUD through the particular approach proposed. This statement should include a description of the character of the proposed development and the rationale behind the assumptions and choices made;
 - ~~(b) *Development schedule.* A development schedule indicating the approximate date when construction of the PUD or stages of the PUD can be expected to begin and be completed;~~
 - ~~(c)~~ (b) *Statement of intentions.* A statement of intentions with regard to the future selling or leasing of all or portions of the PUD, such as land areas, dwelling units, recreation facilities and the like. Two copies of the proposed deed restrictions and articles of incorporation of a home owners association shall be furnished;
 - ~~(d)~~ (c) *Quantitative data from the following Development details.* Total number of each type of dwelling units; gross and net parcel size; gross and net residential densities; total amount of open space in various categories; variations in setbacks, height, individual lot size and lot coverage for each dwelling type proposed; total number of parking spaces;
 - ~~(e) *Economic feasibility study.* Economic feasibility study or market analysis where necessary and requested by the Planning Director or Planning Commission;~~
 - ~~(f)~~ (d) *Typical floor plans.* Typical floor plans and placement of structures on individual lots or parcels;
 - ~~(g)~~ (e) *Pedestrian and vehicular circulation system.* Interrelationship of pedestrian and vehicular circulation system;
 - ~~(h)~~ (f) *Landscape plan.* A schematic landscape plan indicating the treatment of private and common open spaces;
 - ~~(i) *Information on adjacent land areas.* Adequate information on adjacent land areas to indicate relationships between the proposed development and existing and proposed adjacent areas, including land uses, zoning classifications, densities, circulation systems, public facilities and unique natural features;~~
 - ~~(j)~~ (g) *Treatment of perimeter.* Treatment of perimeter of the PUD, including materials and techniques used such as screens, fences and walls; and

~~(k)~~ **(h)** *Additional information.* Any additional information which may be necessary to properly evaluate the character and impact of the proposed PUD.

1. Where projects are developed in stages, PUD zoning designation can only be considered for the stages for which the above materials have been presented. Sketch plans including land uses, site design, circulation and adjacent land uses shall be submitted for the remaining lands to be developed in future stages of the project even though they are not under consideration for approval at this time.

2. The ~~preliminary~~ **development** plan shall be heard by the Planning Commission and shall be forwarded to the City Council with the recommendation of the Planning Commission in accordance with the procedures established under § 154-03.03 of this chapter. Upon approval of the ~~preliminary~~ **development** plan by the City Council, PUD zoning shall be designated on the official zoning map.

SECTION 5: Yuma City Code, Title 15, Chapter 154, Article 14, Section 7, Planned Unit Developments Overlay District, Subsection D (3), is amended to delete the strike through text:

~~(3) — *Final plan.* Within a maximum of six months following approval of the preliminary plan, the applicant shall file with the Planning Director a final development plan containing in a precise and detailed form the information required in division (D)(2) above and in §§ 153-45 through 153-51 of the city subdivision regulations. At its discretion, and for good cause, the Planning Commission may extend for six months the period for filing of the final development plan upon request by the applicant. The final development plan shall be in substantial conformance with the preliminary development plan, and shall be referred to the Planning Commission for recommendation prior to consideration by the City Council.~~

SECTION 6: Yuma City Code, Title 15, Chapter 154, Article 14, Section 7, Planned Unit Developments Overlay District, Subsection D (3 and 4), is amended to delete the strike through text and insert the bolded text:

(3) If no construction has begun within ~~one~~ **two** years following approval of the final development plan, said approval shall lapse and become void. ~~The Planning and Zoning Commission, upon showing of good cause, may extend for a period of six months, the time for beginning construction.~~ **If the PUD becomes void, the development plan and rezone shall be subject to A.R.S. § 9-462.01.**

(4) After completion of the PUD, any minor extensions, alterations or modifications of existing buildings or structures may be authorized by the ~~Board of Adjustment~~ **Hearing Officer** if they are consistent in concept and character with the PUD.

SECTION 7: It shall be unlawful for any person, firm or corporation to violate, or cause the violation of, any provision of this ordinance. 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 any violation of said sections 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 June, 2025.

APPROVED:

Douglas J. Nicholls
Mayor

ATTESTED:

Lynda L. Bushong
City Clerk

APPROVED AS TO FORM:

Richard W. Files
City Attorney