

ORDINANCE NO. O2024-007

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF YUMA, ARIZONA, AMENDING CHAPTER 154 OF THE YUMA CITY CODE, AS AMENDED, RELATING TO CIELO VERDE SPECIFIC PLAN TO UPDATE THE LIST OF USES WITHIN THE CIELO VERDE RESIDENTIAL DISTRICT

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

WHEREAS, the City of Yuma Planning and Zoning Commission held a public hearing on January 8, 2024 in Case No: ZONE-42037-2023 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 December 16, 2023; 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-42037-2023 and the probable impact on the cost to construct housing for sale or rent that may occur as a result of this text amendment, and finds that the recommendation complies with and conforms to the goals and objectives of the Yuma General Plan, as amended, 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, Appendix A: Cielo Verde Specific Plan, Section H Cielo Verde Residential District is amended to insert the bolded text and delete the strike through text:

- (2) Primary Uses permitted in the Cielo Verde Residential District include the following:
 - (o) A religious institution, including related buildings and activities, located on Parcel 15 ~~only~~ of the recorded Cielo Verde plat, at the southwest corner of 36th Street and Avenue 8½E; **and a religious institution, including related buildings, to be located on the north 750 feet of Parcel 13 of the recorded Cielo Verde plat at the southeast corner of 36th Street and Avenue 8E.**

SECTION 2: The following condition(s) must be met and/or completed in order for the zoning amendment to be final:

1. The conditions listed below are in addition to City codes, rules, fees and regulations that are applicable to this action.

2. The Owner's signature on the application for this land use action shall constitute a waiver of any claims for diminution in value pursuant to A.R.S. §12-1134.
3. Owner/Developer shall complete one of the following:
 - a. Complete a Traffic Impact Analysis (TIA) for the proposed development and design and construct the recommended onsite and offsite improvements.
 - b. In lieu of the TIA, design and construct a northbound to eastbound right turn lane, southbound to eastbound left turn lane, and traffic signals all at the intersection of 36th Street and Avenue 8E. The City of Yuma can negotiate to some degree on the improvements and cost offsets, but will have to be tied to a development agreement that is approved by the Yuma City Council.

SECTION 3: Each of the conditions listed above shall be completed within two (2) years of the effective date of the rezoning ordinance or prior to the issuance of a Building Permit, Certificate of Occupancy or City of Yuma Business License for this site, whichever occurs first. If the conditions of approval are not completed within the above timeframe, then the rezone shall be subject to ARS § 9-462.01.

SECTION 4: 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 _____, 2024.

APPROVED:

Douglas J. Nicholls
Mayor

ATTESTED:

Lynda L. Bushong
City Clerk

APPROVED AS TO FORM:

Richard W. Files
City Attorney