

ORDINANCE NO. O2023-040

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 ALLOWABLE PAVING MATERIALS, PARKING DIMENSIONS, AND PARKING ALLOWANCES WITHIN RESIDENTIAL AND COMMERCIAL DISTRICTS

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 October 23, 2023 in Case no: ZONE-41775-2023 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 September 29, 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-41775-2023 and the probable impact on the cost to construct housing for sale or rent that may occur as a result of this zoning code text 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 16, Off-Street Parking and Loading Regulations, Section 2, Subsection C is amended to insert the following bolded text:

- (C) *Paving; materials.* All off-street parking spaces, parking lots, access ways, and loading areas shall be paved with a durable, dust-free surface of masonry; portland cement concrete, asphalted concrete or other durable, hard-faced material, except residential uses in the agriculture, ~~or~~ suburban ranch, **Low Density Residential (R-1-40), or the Residential Estate (RE-35)** zoning districts where **alternative paving materials, such as rock, gravel or ABC** may be used. **Secondary driveways in residential districts may also utilize gravel or rock.**

Alternative paving materials.

- (1) **The rock or gravel may not be smaller than one-quarter inch and no larger than three-quarter inch.**
- (2) **The depth of the gravel shall be three inches.**
- (3) **The gravel driveway must be contained within a permanent border deep enough to maintain required gravel depth.**

SECTION 2: Yuma City Code, Title 15, Chapter 154, Article 16, Off-Street Parking and Loading Regulations, Section 2, Subsection E is amended to insert the following bolded text and delete the strike through text:

(E) *Joint usage of Shared parking.* **Shared parking may be applied to mixed use developments or two (2) or more nonresidential uses in which the uses operate at different peak times from one another.** ~~The joint use of a parking lot for two or more buildings or mixed uses may be permitted provided that:~~

- ~~(1) The total number of spaces used together is not less than the sum required for various buildings or uses if computed separately;~~
- ~~(2) The lot is in the same zoning district, or in a district that permits as a principal use the activity for which the parking is provided; and~~
- ~~(3) A legal agreement prepared by and between users is filed with the Department of Development Services and the County Recorder.~~

Shared parking shall be subject to the review and approval of the Director of the Department of Planning and Neighborhood Services. An application for shared parking shall conform to the following standards:

- (1) A narrative statement shall be supplied explaining how shared parking will be managed. This narrative must explain the proposed hours of operation for each use on site;**
- (2) Floor plans and a parking count analysis shall be included, and the analysis shall illustrate parking needs without a shared use and with a shared use plan, while also demonstrating a plan to address any future change of use; and**
- (3) Completion of a recorded agreement between business and/or property owners with an acknowledgement that any changes in use or hours of operation may invalidate the agreement. City regulations shall be consulted.**

SECTION 3: Yuma City Code, Title 15, Chapter 154, Article 16, Off-Street Parking and Loading Regulations, Section 2, Subsection F is amended to insert the following bolded text and delete the strike through text:

- (F) *Parking spaces for ~~the disabled~~ **people with disabilities**.* In accordance with the current Americans with Disabilities Act (ADA) standards, parking for **people with disabilities** ~~disabled persons~~ shall be provided in all public places in convenient locations and reserved for **people with disabilities** ~~the disabled~~. ~~A ramp shall be provided if there is a change of level from the parking lot to the adjoining walk or building. Said spaces and ramps shall further conform to the provisions of A.R.S. § 41-1492.~~

SECTION 4: Yuma City Code, Title 15, Chapter 154, Article 16, Off-Street Parking and Loading Regulations, Section 3, Subsection A is amended to insert the following bolded text and delete the strike through text:

- (A) *Design standards.*
- (1) *Site plan.* A site plan for any proposed parking lot for five or more required spaces shall be submitted to the ~~Department of Development Services~~ **Department of Planning and Neighborhood Services** for review and approval at **the** time of application for a building permit for the building to which the parking is accessory, or at such time any land is to be used for a parking lot.

- (2) *Minimum parking lot space dimensions.* All parking lots ~~spaces~~ shall conform to the following minimum ~~parking lot~~ dimensions: ~~where a minimum stall length of 19 feet may be used. In addition, a minimum stall width of nine feet may be used for employee parking, provided said parking shall be clearly designated by pavement marking, signs or other method. A stall width not less than nine feet six inches may be used to meet the parking requirements for office buildings. All other uses shall have a minimum stall width of ten feet.~~
- (a) **Minimum space length: 19 feet;**
 - (b) **Minimum space width: 10 feet, except for employee parking which can be 9 feet when clearly identified (pavement marking, signs, or other method);**
 - (c) **Compact parking: 16 feet by 9 feet. Compact parking may be utilized in commercial and high-density residential zoning districts where there are 10 or more parking spaces. Up to 20% of proposed parking may be compact. Compact parking must be clearly identified (pavement markings, signs, or other method);**
 - (d) **Parking space overhang: Parking space dimensions can utilize an overhang of up to 24 inches when located adjacent to an internal walkway/sidewalk or a landscape area provided that:**
 - i. **The overhang does not interfere with the base of any structure, raised planter, seating bench, fence, utility equipment, light pole or base, or the trunk of a tree; and**
 - ii. **The unobstructed width of the walkway/sidewalk, exclusive of the 24-inch overhang, is not less than 3 feet.**
 - (e) **Single-family residential parking shall provide parking space dimensions each measuring 10 feet in width by 20 feet in depth.**
- (3) *Site plan.* ~~The scale of the site plan shall contain not more than 50 feet to the inch.~~ The site plan shall be drawn according to the following requirements and shall show these items detailed herein:
- (a) Zoning, setbacks and statement of use;
 - (b) North arrow and scale;
 - (c) All adjacent streets, alleys, sidewalks and curbs, with dimensions;
 - (d) Ownership of the parcel being developed;
 - (e) Use, total floor area and location of each existing and proposed structure;
 - (f) Complete dimensions of parking lot;

- (g) Grading and drainage plan of parking lot;
 - (h) Landscaping, walls, ~~lighting~~ and irrigation system;
 - (i) **Lighting, including a parking lot light coverage plan;**
 - (ij) Type and thickness surface and base of parking;
 - (jk) **If applicable, N**number of employees in proposed business;
 - (kl) If public assembly, number of seats and/or occupant capacity; and
 - (lm) If applicable, the number of rooms or beds.
- (4) *Entrance and exit driveways.* Separate entrances and exit driveways shall be so located as to minimize traffic congestion on the site and in the public street. Said entrances and exits may be combined in a single driveway where adequate safeguards are provided to minimize congestion and to protect pedestrian and vehicular traffic upon the approval of traffic flow plans on the site and in the public street by the Department of ~~Public Safety and Engineering Division~~.

SECTION 5: Yuma City Code, Title 15, Chapter 154, Article 16, Off-Street Parking and Loading Regulations, Section 3, Subsection B (3) is amended to insert the following bolded text and delete the strike through text:

- (3) Parking stalls shall be clearly indicated by a four-inch stripe of white traffic paint or other method approved by the ~~Engineering Division~~ **Department of Engineering;**

SECTION 6: Yuma City Code, Title 15, Chapter 154, Article 16, Off-Street Parking and Loading Regulations, Section 3, Subsection B (6) is amended to insert the following bolded text and delete the strike through text:

- (6) Lighting standards shall be placed so as to reflect the light away from the adjacent areas, and so as not to interfere with traffic movement or control. Illumination of parking area shall be required for all parking areas with ~~four~~ **five** or more parking spaces. Open parking lots shall ~~be illuminated~~ **illuminate parking stalls** with a minimum of one maintained footcandle of light on the parking surface and seven feet vertical between sunset and sunrise.

SECTION 7: Yuma City Code, Title 15, Chapter 154, Article 16, Off-Street Parking and Loading Regulations, Section 4, Subsection A is amended to delete the following strike through text:

- (A) In any residential or services district, all required parking spaces shall be set back from adjoining street right-of-way lines to conform with required front and side street setback lines of such residential or services district. In instances where the rear property line is adjacent to an alley and parking is accessed from the rear yard alley, parking spaces may be set back zero feet from the property line. ~~In addition, if any of the required parking spaces have direct access and are perpendicular to the side street, there shall be provided a minimum driveway length of 20 feet as measured between the side street property line and the near end of the parking spaces(s).~~

SECTION 8: That the Yuma City Code, Title 15, Chapter 154, Article 16, Off-Street Parking and Loading Regulations, Section 4, Subsection B is amended to insert the following bolded text and delete the strike through text:

- (B) In residential districts, parking is permitted within the front yard setback in front of garages, carports or on ~~an adjacent paved~~ a surface in accordance with § 154-16.02(C). Such area shall not exceed ~~40%~~ **60%** of the front yard setback, **while continuing to provide adequate on-site retention.**

SECTION 9: Yuma City Code, Title 15, Chapter 154, Article 16, Off-Street Parking and Loading Regulations, Section 4, Subsection D is amended to insert the following bolded text and delete the strike through text:

- (3) That said vehicle shall be located on a ~~paved~~ surface in accordance with § 154-16.02(C); and
- (4) Each residential lot shall ~~have no more than one area of~~ **be limited to the parking and/or storage of one recreational equipment, recreational vehicle, or watercraft within the front yard setback.**

SECTION 10: Yuma City Code, Title 15, Chapter 154, Article 16, Off-Street Parking and Loading Regulations, Section 4, is amended to insert the following Subsection E:

- (E) **Ribbon or Hollywood driveways may be utilized in single and two-family residential developments, where such parking spaces are accessed perpendicularly from the adjacent roadway. The hard surfaced material of the parallel strips shall be a minimum of two feet in width and shall be separated by a three foot wide pervious area (grass or decorative rock). The total extent of the parking area shall be in conformance with the parking dimensions required of the residential use.**

SECTION 11: Yuma City Code, Title 15, Chapter 154, Article 16, Off-Street Parking and Loading Regulations, Section 7 is amended to insert the following bolded text, delete the strike through text, and renumber accordingly:

- (A) ~~Adult arcade. One space for each arcade machine plus one space for each employee per shift.~~
- (B) ~~Adult bookstore. One space for each 300 square feet of gross floor area.~~
- (C) ~~Adult cabaret. One space for each 50 square feet of gross floor area where the public is served, plus an additional 10% of the off-street parking required herein for use by employees.~~
- (D) ~~Adult motel. One and one-tenth parking spaces shall be provided for each guest room. When auxiliary commercial uses are included, the following additional standards are required:~~
- (1) ~~One parking space for every 100 square feet of gross floor area where public is served;~~
- (2) ~~One parking space for every 400 square feet of gross floor area of commercial accessory use; and~~
- (4) ~~One space for every six seats, if seats are fixed; or one space for 50 square feet for places of public assembly.~~

- ~~(E)~~ ~~*Adult motion picture theater.*~~ One off-street parking space for every four seats, if seats are fixed; or one space for each 30 square feet of open assembly area where seats are not fixed, excluding platform and stage areas.
- ~~(F)~~ ~~*Adult theater.*~~ One off-street parking space for every four seats, if seats are fixed; or one space for each 30 square feet of open assembly area where seats are not fixed, excluding platform and stage areas.
- ~~(G)~~ ~~*Adult video store.*~~ One space for each 300 square feet of gross floor area.
- ~~(H)~~ (A) *Auto rental agencies.* One space for each 200 square feet of gross floor area, plus one parking space for each vehicle to be stored on the lot.
- ~~(I)~~ (B) *Auto service station motor fuel sales (retail).* One and one-half spaces for each pump dispenser up to the first six pump dispensers and one space for each additional pump dispenser. (Standing areas at pump dispenser island and interior circulation areas shall not be counted as parking areas.)
- ~~(J)~~ (C) *Automobile service and repair shops automotive repair.* Three spaces for each service bay. (A service bay shall not be counted as parking space.)
- ~~(K)~~ (D) *Banks.* One space for every 200 square feet of gross floor area.
- ~~(L)~~ (E) *Bowling alleys.* Three spaces for each alley, plus one for each billiard table, plus one for each five seats in any gallery. (If other uses are included, each use shall provide the spaces required for that use.)
- ~~(M)~~ (F) *Cafes, restaurants, cocktail lounges or bars.*
- (1) ***Sit down establishments.*** One space for each 50 75 square feet of gross floor area where the public is served.
 - (2) ***Establishments with drive-thru windows.*** One space for each 100 square feet of gross floor area where the public is served.
 - (3) ***Establishments with take-out only.*** One space for each 300 square feet of building area.
- ~~(N)~~ (G) *Commercial buildings (not otherwise specified herein).* One parking space for each 250 square feet of gross floor area.
- ~~(O)~~ (H) *Child day care services, large.* One space per 300 square feet of gross floor area.
- ~~(P)~~ (I) *Drive-in facilities.* Temporary parking spaces are to be provided in moving lanes, or “stack-up”, preceding customer service space:
- (1) *Drive-in bank.* Three spaces for each service window.
 - (2) *Personal service businesses (such as dry cleaners and photo pick-up).* Two spaces for each service window.

- (3) *Drive-in theater.* One space for each four viewing spaces within theater.
- (4) *Facilities that serve fast food and/or beverages.* Seven spaces for each service window.

~~(J)~~ **(J)** *Educational facilities.*

- (1) *Elementary and secondary schools, kindergartens and parochial schools.* ~~shall provide~~ ~~One~~ One space for each classroom, plus one space for each five students of legal driving age and one space for each three non-teaching employees.
- (2) ***Colleges, universities, trade or vocational schools. One space for each 200 square feet of classroom and office space.***

~~(R)~~ ~~Escort agency. One space for each 300 square feet of gross floor area.~~

~~(S)~~ **(K)** *Grocery, supermarkets.* One space for each 300 square feet of gross floor area.

~~(T)~~ **(L)** *Gymnasiums or health studios.* One space for each 400 square feet of gross floor area, plus one space for each employee.

~~(U)~~ **(M)** *Hospitals.* One space for each three beds, plus one space for each staff doctor, plus one space for each three employees other than staff doctors.

~~(V)~~ **(N)** *Hotels and motels.* One ~~and one-tenth~~ parking space shall be provided for each guest room. When auxiliary commercial uses are included, the following additional standards are required:

- (1) One parking space for every 100 square feet of gross floor area where public is served;
- (2) One parking space for every 400 square feet of gross floor area of commercial accessory use; and
- (3) One space for every six seats, if seats are fixed; or one space for 50 square feet for places of public assembly.

~~(W)~~ **(O)** *Manufacturing and industrial uses (including open industrial uses).* One space for each 500 square feet of gross floor area or one space for each three employees on the maximum shift, whichever is greater. Open industrial uses: one space per 4,000 square feet of lot area.

~~(X)~~ **(P)** *Offices and clinics; medical, dental, clinic.* One space for each ~~150~~ **250** square feet of gross floor area.

~~(Y)~~ **(Q)** *Motor fuel sales (wholesale).* One parking space per employee per shift.

~~(Z)~~ **(R)** *Motor vehicle or machinery retail sales.* One space for each 400 square feet of gross floor area, plus one for each 20 outdoor vehicle display spaces.

~~(AA)~~ **(S)** *Mortuaries, funeral homes.* One space for each 100 square feet of assembly room floor area, plus one employee, plus one for each car owned by such establishment.

~~(BB)~~ ~~*Nude model studio.*~~ One space for each ~~300~~ square feet of gross floor area.

~~(CC)~~ (T) *Nursing and personal care facilities, large.* One space for each six beds, plus two spaces for any permanent residence on the property.

~~(DD)~~ (U) *Places of public assembly.* Churches, auditoriums, exhibition halls, theaters, convention facilities, meeting rooms and other places of public assembly shall provide one off-street parking space for every four seats, if seats are fixed; or one space for each 30 square feet of open assembly area where seats are not fixed, excluding platform and stage areas. For churches, off-street parking shall be required for primary seating only.

~~(EE)~~ (V) *Offices (not otherwise specified herein).* One space for each ~~300~~ **400** square feet of gross floor area, exclusive of floor area used for utility equipment.

~~(FF)~~ (W) *Residential uses.* The following minimum parking requirements shall be met for all residential uses as specified herein except for a single-family, duplex or multi-family residence constructed or to be constructed on an existing lot of record prior to December 31, 1978, which is less than 7,500 square feet in area, at least one space per dwelling unit shall be provided.

(1) *Single-family dwellings.* Two spaces for each dwelling unit.

(2) *Duplex dwellings.* Two spaces for each dwelling unit.

(3) ~~*Multiple-dwellings.* One and one-half spaces for each efficiency one-bedroom or two-bedroom dwelling unit and two spaces for each dwelling unit containing three or more bedrooms.~~

(b) ***One-bedroom dwelling unit.* One space for each dwelling unit.**

(c) ***Two-bedroom dwelling unit.* One and one-half spaces for each dwelling unit.**

(d) ***Three or more-bedroom dwelling unit.* Two spaces for each dwelling unit.**

(4) Rooming and boarding houses. One space for each two guest rooms, plus two spaces for any permanent residence on the property.

~~(5)~~ ~~*Manufactured housing park (MHP).*~~ Two spaces for each manufactured home or one space for each park model or recreational vehicle.

~~(6)~~ ~~*Manufactured housing subdivision (MHS).*~~ Two spaces for each lot.

~~(7)~~ ~~*Recreational vehicle subdivision (RVS).*~~ Two spaces for each manufactured home or one for each park model or recreational vehicle.

(5) ***Manufactured homes.* Two spaces for each manufactured housing unit.**

(6) *Park models or recreational vehicles. One space for each park model or recreational vehicle.*

~~(GG)~~ (X) *Retail stores, shops, convenience food stores. One space for each 400 square feet of gross floor area.*

~~(HH)~~ *Trade schools, business colleges. One space for each 200 square feet of gross floor area.*

(H) (Y) *Wholesaling and warehousing. One space for each 1,500 square feet of gross floor area.*

(J) (Z) *Shopping centers. One space per 250 square feet of gross floor area.*

~~(KK)~~ (AA) *Self-storage facilities. One space for each 50 storage cubicles plus two spaces.*

~~(LL)~~ *Sexual encounter center. Parking spaces shall be not less than 30% of maximum occupancy as determined by the International Building Code as amended.*

SECTION 12: Yuma City Code, Title 15, Chapter 154, Article 16, Off-Street Parking and Loading Regulations, Section 8, Subsection B, Table No. 4 is amended to insert the following bolded text and delete the strike through text:

Table No. 4 – Loading Space Requirements	
Total Square Feet of Building Space (Gross Floor Area)	Loading Spaces Required
12,500 up to and including 40,000 100,000	1
40,001 up to and including 100,000	2
100,001 up to and including 160,000	3 2
160,001 up to and including 240,000	4 3
240,001 up to and including 320,000	5 4
320,001 up to and including 400,000	6 5
For each additional 90,000 over 400,000	1 additional

SECTION 13: Yuma City Code, Title 15, Chapter 154, Article 16, Off-Street Parking and Loading Regulations, Section 9, Subsection B is amended to insert the following bolded text and delete the strike through text:

(B) The ~~Community Development~~ Director **of Planning and Neighborhood Services** shall also be authorized to approve plans for the sharing of off-street parking and/or loading space by two or more users of buildings or land, provided that each use of the shared spaces shall function as if having been provided separately. In addition, a legal agreement shall be prepared by and between property owners specifying the conditions for sharing said space(s), and such agreement shall be filed with the Department of ~~Community Development~~ **Planning and Neighborhood Services** and recorded against the properties.

SECTION 14: Yuma City Code, Title 15, Chapter 154, Article 16, Off-Street Parking and Loading Regulations, Section 10, Subsection A (1) is amended to insert the following bolded text and delete the strike through text:

(A) *Reductions for certain uses in areas designated in the Redevelopment Element of the General Plan.*

- (1) *Reduction based on on-street parking for certain residential uses in areas designated in the redevelopment element of the General Plan.* On-street parking for single-family dwellings, **two-family dwellings, three-family dwellings,** ~~small~~ Residential Care Facilities **Home**, small Child Care Services, and community gardens may be counted on a space-for-space basis toward the total required amount of parking up to 50% provided the parking is located on the same side of the street as the use, does not extend beyond the street frontage of the subject property, and on-street parking spaces are approved by the City of Yuma Traffic Engineering. If a single-family dwelling meets the exception provided for in § 154-16.07(FF), the single space required for the dwelling unit may be provided on-street in accordance with this section.

SECTION 15: Yuma City Code, Title 15, Chapter 154, Article 16, Off-Street Parking and Loading Regulations, Section 10, Subsection A (3) is amended to insert the following bolded text and delete the strike through text:

- (3) *Reduction based on certain non-residential uses in areas designated in the Redevelopment Element of the General Plan.* Non-residential uses located within an area designated in the Redevelopment Element of the General Plan ~~with a parking formula of one space per 300 square feet of gross floor area or less intense formula~~ are allowed a **parking** reduction of up to ~~10%~~ **20%** of the total required parking.

SECTION 16: 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 _____, 2023.

APPROVED:

Douglas J. Nicholls
Mayor

ATTESTED:

Lynda L. Bushong
City Clerk

APPROVED AS TO FORM:

Richard W. Files
City Attorney