

**ORDINANCE NO. O2025-002**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF YUMA, ARIZONA, AMENDING CHAPTER 154 OF THE YUMA CITY CODE, REZONING CERTAIN PROPERTY LOCATED IN THE GENERAL COMMERCIAL/AESTHETIC OVERLAY (B-2/AO) DISTRICT TO THE MEDIUM DENSITY RESIDENTIAL/PLANNED UNIT DEVELOPMENT (R-2/PUD) DISTRICT, AND AMENDING THE ZONING MAP TO CONFORM WITH THE REZONING**

WHEREAS, the City of Yuma Planning and Zoning Commission held a public hearing on December 9, 2024 in Zoning Case No: ZONE- 43328-2024 in the manner prescribed by law for the purpose of rezoning approximately 9.74 acres of real property hereafter described to the Medium Density Residential/Planned Unit Development (R-2/PUD) District as provided in Chapter 154 of the Yuma City 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 November 15, 2024; and,

WHEREAS, the City Council has considered the recommendation of the Planning and Zoning Commission to approve the rezoning in Case No: ZONE- 43328-2024 and the probable impact on the cost to construct housing for sale or rent that may occur as a result of this rezoning, 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: That the following described real property, depicted in Exhibit A, attached:

*A portion of the West Half of the Northeast quarter of the Northeast quarter (W<sup>1</sup>/<sub>2</sub>NE<sup>1</sup>/<sub>4</sub>NE<sup>1</sup>/<sub>4</sub>) of Section 10, Township 9 South, Range 22 West of the Gila and Salt River Base and Meridian, City of Yuma, Yuma County, State of Arizona, and more particularly described as follows:*

*Lot 1A of the “24/7 GET FIT LOT TIE / LOT SPLIT No. 3”, dated 4/13/2024, FEE # 2024-27265, Recorded in Book 36 of Plats, Page 62, Yuma County Records.*

*Containing 424,196 Square feet or 9.738 Acres, more or less.*

shall be placed in the Medium Density Residential/Planned Unit Development (R-2/PUD) District, as defined by Chapter 154 of the Yuma City Code as amended; that upon this Ordinance becoming final, the described real property shall be subject to all rules,

regulations and requirements of Chapter 154 of the Yuma City Code, as amended, pertaining to the Medium Density Residential/Planned Unit Development (R-2/PUD) District and that the zoning map adopted under Chapter 154 of the Yuma City Code, as amended, is ordered to be changed and amended so as to show that the real property described in this Ordinance will be located within the Medium Density Residential/Planned Unit Development (R-2/PUD) District.

SECTION 2: That the following conditions (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. If rolled curb is used within the development, Owner/Developer shall put together an entity to maintain the private streets, as the local streets within the development do not meet current City standards. This condition will be considered null and void if the City adopts a new local street standard with rolled curbs, and that the subdivision has the same matching street construction standard and right-of-way width prior to the plat recordation.
4. Owner/Developer shall grant a full street width utility easement to the City of Yuma on the final plat if the streets remain private as noted above.
5. Owner/Developer shall provide a 6-foot-tall solid subdivision wall around the perimeter of the development per City of Yuma construction standard 1-010, or similar design as sealed by a registered civil or structural engineer certifying that it will stand up to current code wind and seismic loads.
6. At the time the preliminary subdivision plat is submitted, the Owner/developer shall submit a Traffic Impact Statement providing the peak hour traffic count based on the Trip Generation Manual from the Institute of Transportation Engineers, sealed by an Arizona Engineer with traffic experience. Development conditions per ARS 9-462.01.
7. The common area/retention basin shall be designed to include the following amenities:
  - a. Landscaping in a cohesive manner throughout retention basin (Tract A), amenity area (Tract B), midblock walking path (Tract C), and Tract D.
  - b. Landscaping in retention basin, amenity area (Tract B), midblock walking path (Tract C), and Tract D to be installed prior to the closing of the first residence.

- c. 5-foot walking path in Tract C connecting to amenity area (Tract B).
- 8. Front yard irrigation, artificial grass, a 15-gallon tree, and four shrubs for each unit shall be installed as a phased installation project, not to exceed 10 completed units.

SECTION 3: With the exception of Condition 2, 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 or business license for this site, whichever occurs first. If the conditions of approval are not completed within the above time frame, then the rezone shall be subject to A.R.S. § 9-462.01.

Adopted this \_\_\_\_\_ day of \_\_\_\_\_, 2025.

APPROVED:

\_\_\_\_\_  
Douglas J. Nicholls  
Mayor

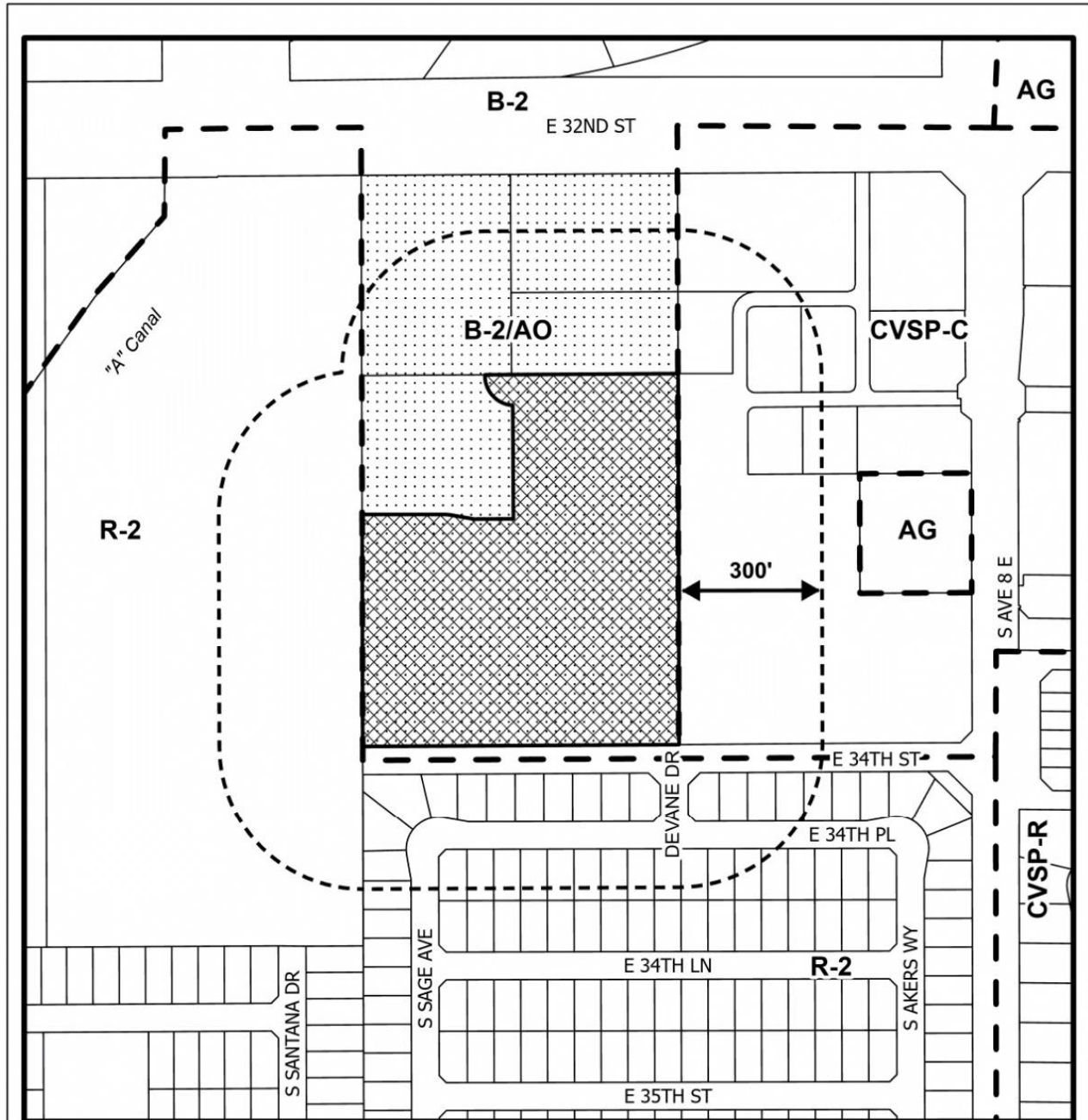
ATTESTED:

\_\_\_\_\_  
Lynda L. Bushong  
City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
Richard W. Files  
City Attorney

# Exhibit A



## LOCATION MAP



LOCATION OF SUBJECT PROPERTY



Prepared by: DG

Checked by: EP



Date: 10/21/2024

Revised:

Revised:

Case #:

ZONE-43328-2024