



**CITY OF YUMA
REGULAR CITY COUNCIL MEETING AGENDA
COUNCIL CHAMBERS – YUMA CITY HALL
ONE CITY PLAZA, YUMA, ARIZONA
WEDNESDAY, OCTOBER 01, 2014
5:30 P.M.**

CALL TO ORDER

INVOCATION

PLEDGE OF ALLEGIANCE

ROLL CALL

FINAL CALL for submission of Speaker Request Forms for agenda related items.

PRESENTATIONS

- ADDITION**
- Reading of Proclamation for “SW Arizona National Wildlife Refuges and Wilderness Month”

I. MOTION CONSENT AGENDA

All items listed on the Motion Consent Agenda will be considered and enacted with one motion. There will be no separate discussion of these items unless a Councilmember so requests. In which event, the item will be removed from the Motion Consent Agenda and the vote or action will be taken separately.

A. Approval of minutes of the following City Council meeting(s):

7. 1. Regular Worksession July 15, 2014
11. 2. Regular Worksession August 5, 2014

B. Approval of Staff Recommendations:

Page Item

1. Executive Sessions may be held at the next regularly scheduled Special Worksession, Regular Worksession and City Council Meeting for personnel, legal, litigation and real estate matters pursuant to A.R.S. § 38-431.03 Section A (1), (3), (4), and (7). (City Attorney)

14. 2. Liquor License: Rocky's New York Style Pizzeria

Approve an Interim Permit/Person Transfer #7 Beer and Wine Bar, Liquor License application, submitted by Doyle William Deane McCurley, agent for Rocky's New York Style Pizzeria, L.L.C. dba Rocky's New York Style Pizzeria, located at 2601 S. 4th Avenue, Yuma, Arizona. (LL14-21) (City Administration/City Clerk) (Lynda L. Bushong)

16. 3. Special Event Liquor License: Yuma Crossing National Heritage Area Corporation - 5th Annual 3:10 To Yuma Fundraiser

Approve a Special Event Liquor License application submitted by Diana Griffin Phillips, on behalf of the Yuma Crossing National Heritage Area Corporation, for the 5th Annual 3:10 To Yuma Fundraiser. The fundraiser will be held at the Territorial Prison, located at One N. Prison Hill Road, on Saturday, November 8, 2014 from 5:00 p.m. to 9:00 p.m. (SP14-22) (City Administration/City Clerk) (Lynda L. Bushong)

18. 4. Special Event Liquor License: Yuma High School Class of 1979 Reunion

Approve a Special Event Liquor License application submitted by Angela L. Mitchell, on behalf of the Yuma Union High School Class of 1979, for the Yuma High School Class of 1979 Reunion. The reunion will be held at the Gowan building, located at 370 S. Main Street, on Friday, October 10, 2014 from 6:00 p.m. to 12:00 a.m. and Saturday, October 11, 2014 from 6:00 p.m. to 12:00 a.m. (SP14-23) (City Administration/City Clerk) (Lynda L. Bushong)

20. 5. Request for Offer/Proposal (RFO/RFP): Operation of "The Hills" Restaurant

ADDITION

Authorize the City Administrator to negotiate and execute a five-year contract to operate "The Hills" Restaurant Patio & Bar on behalf of the City of Yuma to: Frank's Family Dining of Yuma, LLC, Yuma, Arizona. (Parks & Recreation - RFO #2015-20000026 (Debbie Wendt)

22. 6. Grant: Assistance to Firefighters

Authorize execution of all documents necessary for acceptance of the Assistance to Firefighters Grant which is a regional grant award for the purpose of purchasing Self-Contained Breathing Apparatus (SCBA) and necessary accessories. (Fire/Administration) (Steve Irr)

25. 7. Preliminary and Final Plat for the Tuscany Medical and Professional Plaza Subdivision, Phase 2

Approve the preliminary and final plat for the Tuscany Medical and Professional Plaza Subdivision, Phase 2. The property is located at the southwest corner of 28th Street and 21st Drive, Yuma, AZ. The applicant is Edais Engineering, on behalf of Tuscany Holdings LLC. (SUBD-6756-2014) (Community Development/Community Planning) (Bobette Bauermann for Laurie Lineberry)

SUGGESTED MOTION: To approve the MOTION CONSENT AGENDA as recommended:

M/_____ S/_____ VV/_____

II. RESOLUTION CONSENT AGENDA

All items listed on the Resolution Consent Agenda will be considered and enacted with one motion. There will be no separate discussion of these items unless a City Councilmember so requests or a Speaker Request Form has been submitted. In which event, the item will be removed from the Resolution Consent Agenda and the vote or action will be taken separately.

There are no resolutions scheduled for adoption at this time.

III. ADOPTION OF ORDINANCES CONSENT AGENDA

All items listed on the Ordinances Consent Agenda will be considered and enacted with one motion. There will be no separate discussion of these items unless a City Councilmember so requests or a Speaker Request Form has been submitted. In which event, the item will be removed from the Ordinance Consent Agenda and the vote or action will be taken separately.

38. A. Ordinance O2014-29 Zoning Code Text Amendment: Accessory Structures

Amend the City of Yuma Zoning Code to add Title 15, Chapter 154, Section 15.15 to provide regulations for accessory structures and to permit accessory structures within certain identified residential zoning districts. (ZONE-6490-2014). (Community Development/Community Planning) (Laurie L. Lineberry)

SUGGESTED MOTION: To adopt the ORDINANCES CONSENT AGENDA as recommended:

M/_____ S/_____ RV/_____

IV. INTRODUCTION OF ORDINANCES

The following ordinance(s) is presented to the City Council for introduction. No vote or action by the City Council is necessary. However, the City Council may, at its option, vote or take action where appropriate. Ordinances given introduction are generally presented to the City Council for adoption at the next Regular City Council meeting.

There are no ordinances scheduled for introduction at this time.

V. DISCUSSION AND POSSIBLE ACTION ON “NO WAL MART OF 8TH STREET” REFERENDUMS: City Council discussion and possible action on how the City will proceed on Referendums REF 2014-02 and REF 2014-03

VI. PUBLIC HEARINGS & RELATED ACTIONS

There are no public hearings scheduled at this time.

FINAL CALL for submission of Speaker Request Forms for Call to the Public.

VII. APPOINTMENTS, ANNOUNCEMENTS AND SCHEDULING

Discussion and possible action on the following items:

1. Appointments:
 - Residential Advisory Board: 3 re-appointments expiring 12/31/2018
2. Announcements:
 - City Council report on meetings/events attended – City Council report on issues discussed in meetings/events attended by a City Council representative in their official capacity as the City's representative during the period of September 18, 2014 through October 1, 2014. City Council questions regarding the update must be limited solely for clarification purposes. If further discussion is warranted, the issue will be added to a future agenda for a detailed briefing.
 - City Council report of upcoming meetings.
 - City Council request for agenda items to be placed on future agendas.
3. Scheduling: Motion to schedule future City Council meetings pursuant to Arizona Revised Statutes Section 38-431.02 and the Yuma City Code, Chapter 30.

VIII. SUMMARY OF CURRENT EVENTS

This is the City Administrator's opportunity to give notice to the City Council of current events impacting the City. Comments are intended to be informational only and no discussion, deliberation or decision will occur on this item.

IX. CALL TO THE PUBLIC

Members of the public may address the City Council on matters that are not listed on the City Council agenda. The City Council cannot discuss or take legal action on any matter raised unless it is properly noticed for discussion and legal action. At the conclusion of the Call to the Public, individual members of the City Council may respond to criticism made by those who have addressed the City Council, may ask staff to review a matter or may ask that a matter be placed on a future agenda. All City Council meetings are recorded and videotaped.

X. EXECUTIVE SESSION

An Executive Session may be called during the public meeting for the purpose of receiving legal advice for items on this agenda pursuant to A.R.S. Section 38-431.03 A (3 and/or 4) and the following items:

1. Discussion, consultation with and/or instruction to legal counsel regarding No Wal Mart for 8th Street Referendum. (A.R.S. 38-431.03 A3 and A4)

ADJOURNMENT

In accordance with the Americans with Disabilities Act (ADA) and Section 504 of the Rehabilitation Act of 1973 the City of Yuma does not discriminate on the basis of disability in the admission of or access to, or treatment or employment in, its programs, activities, or services. For information regarding rights and provisions of the ADA or Section 504, or to request reasonable accommodations for participation in City programs, activities, or services contact: ADA/Section 504 Coordinator, City of Yuma Human Resources Department, One City Plaza, Yuma, Arizona 85364-1436; (928) 373-5125 or TTY (928) 373-5149.

MINUTES
REGULAR WORKSESSION
CITY COUNCIL OF THE CITY OF YUMA, ARIZONA
YUMA CITY HALL
ONE CITY PLAZA, YUMA, ARIZONA
July 15, 2014
6:00 p.m.

CALL TO ORDER

Mayor Nicholls called the Regular City Council Worksession to order at 6:02 p.m.

Councilmembers Present: Wright, Knight, Beeson, McClendon, Thomas, Craft and Mayor Nicholls
Councilmembers Absent: none
Staffmembers Present: City Administrator, Gregory K. Wilkinson
Fleet Manager, Charlie Caudill
Finance Director, Pat Wicks
Executive Director of Yuma National Heritage Area, Charles Flynn
Various department heads or their representatives
City Attorney, Steven W. Moore
Deputy City Clerk, Janet L. Pierson

I. REGULAR CITY COUNCIL MEETING AGENDA OF JULY 16, 2014

Motion Consent Agenda Item B5: Cooperative Purchase Agreement: Broom Bear Sweeper

Caudill advised:

- The life expectancy of a Broom Bear Sweeper is approximately six to nine years.
- This purchase is for the replacement of aging sweepers already in inventory.

Adoption of Ordinances Consent Agenda Item A: Ordinance O2014-18 Adopt the 2014-2015 Primary Property Tax Levy and Mall Maintenance District Property Tax Levy

Wicks presented the following information:

- Rate and levy are affected by the assessed property values.
 - If the assessed property values go down, the rate needs to increase in order to assure the levy collected remains relatively the same as the previous year.
- It is anticipated \$9.6 million will be collected from the new rate of \$1.83.
- If the rate remains at \$1.73 it will decrease the levy by \$470,000.

Wicks showed a comparison of the tax rate, levy and assessed values for multiple years:

	2004	2005	2006*	2007	2008	2009	2010	2011	2012	2013	2014
Maximum Levy	6,293,768	6,910,699	7,320,954	8,064,476	8,732,640	9,366,857	9,864,144	10,246,229	10,686,967	10,923,330	11,267,646
Tax Levy	6,089,513	6,960,574	7,320,954	8,064,476	8,732,640	9,366,857	9,864,144	10,246,229	9,514,752	9,514,752	9,612,828
	3.2%	7.7%	11.6%	10.2%	8.3%	7.6%	6.1%	3.9%	-7.1%	0.0%	1.0%
Maximum Rate	1.9320	1.9713	1.7373	1.6744	1.6570	1.4706	1.4691	1.6103	1.7566	1.9962	2.1409
Tax Rate	1.8693	1.8693	1.7373	1.6744	1.6570	1.4706	1.4691	1.6103	1.6787	1.7388	1.8282
Assessed Value	326,764,364	360,964,160	421,397,393	481,623,979	560,867,139	638,301,193	671,441,312	636,293,166	602,696,469	547,206,239	526,837,088
			*Revised by legislature								

Wicks noted the up and down movement of the tax rate due to the change in the assessed values.

Motion Consent Agenda Item B6: Request for Proposal (RFP): Integrated Facility Control & Monitoring Systems Installation Services

Wilkinson stated the City's IT and Facilities Departments house internal experts in their fields. However, this RFP provides for required upgrades, updates and support that are beyond our internal capabilities.

Adoption of Ordinance Consent Agenda Item C: O2014-20 Zoning Code Text Amendment: Mobile Food Vending

Discussion

- The request for a mobile food vending ordinance was initiated due to the local vendors wanting more operating time within the City and also by watching the national trends.
- Business license would be issued for one mobile unit; additional units will require a Conditional Use Permit.
- There is a need to clarify requirements of set up and take down every day.
 - If the site is the vendors primary location, they should not be required to remove their set-up and vehicle every day..
- 300 feet distance requirement from a freeway interchange is defined as being 300 feet from the beginning and ending of a freeway onramp/off-ramp.
- Mobile and transient food vendors should have to display the authorization letter from property owner along with the business license.
- It would be discriminatory to require mobile food vendors to only use electronic means of accounting when brick and mortar restaurants are not required to
- The liability of insurance is on the property owners.
- The County Health Department requires inspections on all mobile food units regardless if it's a trailer, cart, truck or pushing device.
 - Inspections are required a minimum of once a year
 - Some inspectors will do quarterly unannounced inspections throughout the year.
- Code enforcement also visits the mobile vendor sites when necessary.
- Mobile food units are issued health grades, the same as brick and mortar restaurants.
- Food handlers are required to have health cards.
- Inspection standards are based on what is being sold or vended.
- All preparation must be done in an enclosed facility that is not the mobile vendor's home. The vendors may only cook and serve the food from the mobile unit.
- All holding temperatures are the same as brick and mortar restaurants, but typically mobile food vendors hold their food for a shorter amount of time due to operating hours.
- The County requires restroom facilities for employees; this ordinance will require ADA facilities for customer use also.

Mayor Nicholls stated he would be declaring a conflict of interest on Resolution R2014-24, Ordinance O2014-21 and Ordinance O2014-22, due to employment.

II. 16TH STREET AND 4TH AVENUE REDEVELOPMENT

Flynn gave a presentation and answered questions pertaining to the 16th Street & 4th Avenue redevelopment.

- City's overall approach was to create an intersection that balances the need to move traffic and provide adequate access to surrounding redeveloped properties, as well as find a way to pay for the additional right-of-way needed with little to no money.
 - It allowed a property exchange of City land for right of ways needed
- The project is collaboration between the City and approximately 20 private property and business owners.
- Provides opportunity for the use of Government Property Lease Excise Tax (GPLET)
- The Developers and City agree to a branding approach for marketing the redevelopment area, for a common appearance within the location.
- Goal to have all projects completed by November 2016.

Southeast Corner - Yuma Mesa Shopping Center:

- Development agreement on August 6th City Council Agenda
 - Will facilitate new development at corner, parking lot and improvements to landscaping & storm water management.
 - Addition of two pad sites; one on the corner will allow for a drive thru and the other site is still to be determined.

Northeast corner - PMG Properties:

- Allows for exchange of additional right of way along the corner
- A retention basin will be located on the property by 15th Street
 - Important for the storm water management of the intersection.

Northwest corner - Kenyon Market:

- Both the City and property owner will demolish buildings on their property prior to land exchange

Southwest Corner:

- Entirely City owned.
- Possible development planned in 2015 or 2016.

Beeler Equipment:

- Agreed to eliminate access from 4th Ave and replace it with access from the 15th Street West Alignment.
 - Will also serve as a joint access to the south side of the Kenyon property.

Yuma Mortuary:

- City-owned property that is leased to Yuma Mortuary
- Yuma Mortuary has begun construction on a new location within the redevelopment area; 8th Street and 5th Avenue
- Eligible for GPLET

III. ADDITIONAL ITEMS FOR POSSIBLE DISCUSSION

McClendon noted she will not be at the Regular City Council Meeting on July 16, 2014, due to her attendance of the Governor's conference on tourism during that time.

IV. ADJOURNMENT/EXECUTIVE SESSION

Motion (Beeson /McClendon): To adjourn the meeting to Executive Session. Voice vote: **adopted** 7-0. The meeting adjourned at 7:52 p.m.

Lynda L. Bushong, City Clerk

APPROVED:

Douglas J. Nicholls, Mayor

MINUTES
REGULAR WORKSESSION
CITY COUNCIL OF THE CITY OF YUMA, ARIZONA
YUMA CITY HALL
ONE CITY PLAZA, YUMA, ARIZONA
August 5, 2014
6:00 p.m.

CALL TO ORDER

Mayor Nicholls called the Regular City Council Worksession to order at 6:00 p.m.

Councilmembers Present: Wright, Knight, Beeson, McClendon, Thomas, Craft and Mayor Nicholls
Councilmembers Absent: none
Staffmembers Present: City Administrator, Gregory K. Wilkinson
Various department heads or their representatives
City Attorney, Steven W. Moore
City Clerk, Lynda Bushong

I. REGULAR CITY COUNCIL MEETING AGENDA OF AUGUST 5, 2014

Ordinance O2014-20 Zoning Code Text Amendment: Mobile Food Vending

Discussion

- Potential for Mobile Food Vendors to obtain a liquor license
 - Liquor License requests are presented to City Council for approval/denial of recommendation to the Arizona Department of Liquor and Control.
 - Arizona Administrative Code set forth criteria to use as a guide for recommendations. Three of them are:
 - Residential & population density and close proximity to the site.
 - Compatibility of the proposed business with other activity in close proximity and;
 - The impact of proposed premises on business or the residential neighborhood.
 - State has ultimate decision on issuance of license.
- It is not the intent of the ordinance to allow Mobile Food Vendors to take temporary or permanent residence in their trucks/vehicles used for business.
- Mobile food vendors wanting multiple units at multiple sites are required to have a separate license per unit/site.

Resolution R2014-26 Real Property Exchange and Development Agreement: Yuma Mesa, LLC

Mayor Nicholls declared a conflict of interest due to his firm's involvement and excused himself from the dais.

Discussion

- Disclosure of the individuals of an LLC are dependant on the state it is incorporated in

- The Development Agreement is two part; first is the property exchange with Yuma Mesa, LLC. and second, it gives the opportunity for the developer to take part in the Government Property Lease Excise Tax (GPLET)
 - In order to utilize the GPLET the value of the property must be increased at least 100%, be located in a redevelopment area and located in the central business district of a community.
- Agreement will terminate within 15 years of effective date.
 - Per the agreement, one building has to be constructed within five years, the tax abatement is for up to eight years and it leaves a window of seven years for future construction.
- New building A
 - Credited with 4,000 gallons of sewer capacity.
 - 1 ½ inch domestic use water meter and an ¾ inch irrigation meter.
 - Value of which not to exceed \$100,000
 - Must be completed within the initial five years of agreement.
- New building B
 - Will receive a credit of \$2,334.21 towards the cost of building permit.

Resolution R2014-25 Facilities Maintenance Agreement: Elks Development Corporation & Resolution R2014-28 Amendment: License Agreement with Yuma County Water Users' Association

- Both agreements address the same property.
 - Bureau of Reclamation makes property available to COY
 - COY makes property available to Elk's Club
- Reduces size of easement along the East side of property.
- Increases size of easement along the North side of property along 32nd Street.

Motion Consent Agenda Item B4: Cooperative Purchase Agreement: Automated Side Loader Bodies

Olea informed that the total cost of the agreement includes purchase and installation of the equipment.

II. GOVERNOR'S TOURISM AWARD

Linda Morgan, Director of Yuma Visitor's Bureau, presented to Mayor Nicholls the 2014 Governor's Tourism Award for the *Best Special Event in an Urban Category* for the City's Centennial Celebrations throughout April.

III. SUPPORT FOR EDUCATION - Presentation to be rescheduled on a future agenda.

IV. ADDITIONAL ITEMS FOR POSSIBLE DISCUSSION - None

V. ADJOURNMENT/EXECUTIVE SESSION

Motion (Beeson /Thomas): To adjourn the meeting to Executive Session. Voice vote: **adopted** 7-0.
The meeting adjourned at 6:57 p.m.

Lynda L. Bushong, City Clerk

APPROVED:

Douglas J. Nicholls, Mayor

DRAFT



City of YUMA

REQUEST FOR CITY COUNCIL ACTION

MEETING DATE: October 1, 2014

DEPARTMENT: City Administration

DIVISION: City Clerk

- Motion
- Resolution
- Ordinance - Introduction
- Ordinance - Adoption
- Public Hearing

TITLE:
Liquor License: Rocky's New York Style Pizzeria

SUMMARY RECOMMENDATION:

Approve an Interim Permit/Person Transfer #7 Beer and Wine Bar, Liquor License application, submitted by Doyle William Deane McCurley, agent for Rocky's New York Style Pizzeria, L.L.C. dba Rocky's New York Style Pizzeria, located at 2601 S. 4th Avenue, Yuma, Arizona. (LL14-21)

REPORT:

Doyle William Deane McCurley, agent for Rocky's New York Style Pizzeria, L.L.C. dba Rocky's New York Style Pizzeria, located at 2601 S. 4th Avenue, Yuma, Arizona, has applied for an Interim Permit/Person Transfer of a #7 Beer and Wine Bar Liquor License. The License is being transferred from Paula D'Egidio, Sr., agent for D'Egidio Paula JTWROS.

The subject property has been posted for the required 20-day period and no arguments in favor of or opposed to the issuance of this license have been received.

The application has been reviewed by Community Development, Police Department, Fire Department, and Business Licensing. No objections have been received.

Upon City Council recommendation of approval, this application will be forwarded to the Arizona Department of Liquor Licenses and Control for final processing.

FISCAL REQUIREMENTS	CITY FUNDS:	\$0.00	BUDGETED:	\$0.00
	STATE FUNDS:	\$0.00	AVAILABLE TO TRANSFER:	\$0.00
	FEDERAL FUNDS:	\$0.00	IN CONTINGENCY:	\$0.00
	OTHER SOURCES:	\$0.00	FUNDING FOR THIS ITEM IS FOUND IN THE FOLLOWING ACCOUNT / FUND / CIP:	
		\$0.00		
		\$0.00		
TOTAL:	\$0.00			
FISCAL IMPACT STATEMENT: Application Fee \$250.00				
ADDITIONAL INFORMATION	SUPPORTING INFORMATION NOT ATTACHED TO THE CITY COUNCIL ACTION FORM THAT IS ON FILE IN THE OFFICE OF THE CITY CLERK: 1. Interim Permit/Person Transfer #7 Beer & Wine Bar Liquor License App 2. 3. 4. 5.			
	IF CITY COUNCIL ACTION INCLUDES A CONTRACT, LEASE OR AGREEMENT, WHO WILL BE RESPONSIBLE FOR ROUTING THE DOCUMENT FOR SIGNATURE AFTER CITY COUNCIL APPROVAL? <input checked="" type="checkbox"/> Department <input checked="" type="checkbox"/> City Clerk's Office <input type="checkbox"/> Document to be recorded			
SIGNATURES	CITY ADMINISTRATOR:		DATE:	
	Gregory K. Wilkinson		9/24/2014	
	REVIEWED BY CITY ATTORNEY:		DATE:	
	Steven W. Moore		9/24/2014	
	RECOMMENDED BY (DEPT/DIV HEAD):		DATE:	
Lynda L. Bushong		9/15/2014		
WRITTEN/SUBMITTED BY:		DATE:		
Jasmin Rodriguez		9/15/2014		



City of YUMA

REQUEST FOR CITY COUNCIL ACTION

MEETING DATE: October 1, 2014

DEPARTMENT: City Administration

DIVISION: City Clerk

- Motion
- Resolution
- Ordinance - Introduction
- Ordinance - Adoption
- Public Hearing

TITLE:

Special Event Liquor License: Yuma Crossing National Heritage Area Corporation - 5th Annual 3:10 To Yuma Fundraiser

SUMMARY RECOMMENDATION:

Approve a Special Event Liquor License application submitted by Diana Griffin Phillips, on behalf of the Yuma Crossing National Heritage Area Corporation, for the 5th Annual 3:10 To Yuma Fundraiser. The fundraiser will be held at the Territorial Prison, located at One N. Prison Hill Road, on Saturday, November 8, 2014 from 5:00 p.m. to 9:00 p.m. (SP14-22)

REPORT:

Diana Griffin Phillips, on behalf of the Yuma Crossing National Heritage Area Corporation, has applied for a Special Event Liquor License for the 5th Annual 3:10 To Yuma Fundraiser. The fundraiser will be held at the Territorial Prison, located at One N. Prison Hill Road, on Saturday, November 8, 2014 from 5:00 p.m. to 9:00 p.m.

The application has been sent to Community Development, the Police Department, the Fire Department, Risk Management, City Engineering (Traffic), and Heritage Area for review. No objections have been received.

Upon City Council's recommendation of approval, this application will be forwarded to the Arizona Department of Liquor Licenses and Control for final processing.

FISCAL REQUIREMENTS	CITY FUNDS:	\$0.00	BUDGETED:	\$0.00
	STATE FUNDS:	\$0.00	AVAILABLE TO TRANSFER:	\$0.00
	FEDERAL FUNDS:	\$0.00	IN CONTINGENCY:	\$0.00
	OTHER SOURCES:	\$0.00	FUNDING FOR THIS ITEM IS FOUND IN THE FOLLOWING ACCOUNT / FUND / CIP:	
		\$0.00		
		\$0.00		
TOTAL:	\$0.00			
FISCAL IMPACT STATEMENT: Application fee revenue: \$20.00				
ADDITIONAL INFORMATION	SUPPORTING INFORMATION NOT ATTACHED TO THE CITY COUNCIL ACTION FORM THAT IS ON FILE IN THE OFFICE OF THE CITY CLERK: 1. Special Event Liquor License Application 2. 3. 4. 5.			
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	REVIEWED BY CITY ATTORNEY:		DATE:	
	Steven W. Moore		9/24/2014	
	RECOMMENDED BY (DEPT/DIV HEAD):		DATE:	
Lynda L. Bushong		9/15/2014		
WRITTEN/SUBMITTED BY:		DATE:		
Jasmin Rodriguez		9/15/2014		



City of YUMA

REQUEST FOR CITY COUNCIL ACTION

MEETING DATE:

October 1, 2014

DEPARTMENT:

City Administration

DIVISION:

City Clerk

- Motion
- Resolution
- Ordinance - Introduction
- Ordinance - Adoption
- Public Hearing

TITLE:

Special Event Liquor License: Yuma High School Class of 1979 Reunion

SUMMARY RECOMMENDATION:

Approve a Special Event Liquor License application submitted by Angela L. Mitchell, on behalf of the Yuma Union High School Class of 1979, for the Yuma High School Class of 1979 Reunion. The reunion will be held at the Gowan building, located at 370 S. Main Street, on Friday, October 10, 2014 from 6:00 p.m. to 12:00 a.m. and Saturday, October 11, 2014 from 6:00 p.m. to 12:00 a.m. (SP14-23)

REPORT:

Angela L. Mitchell, on behalf of the Yuma Union High School Class of 1979, has applied for a Special Event Liquor License for the Yuma High School Class of 1979 Reunion. The reunion will be held at the Gowan building, located at 370 S. Main Street, on Friday, October 10, 2014 from 6:00 p.m. to 12:00 a.m. and Saturday, October 11, 2014 from 6:00 p.m. to 12:00 a.m.

The application has been sent to Community Development, the Police Department, the Fire Department, Risk Management, and City Engineering (Traffic) for review. No objections have been received.

Upon City Council's recommendation of approval, this application will be forwarded to the Arizona Department of Liquor Licenses and Control for final processing.

FISCAL REQUIREMENTS	CITY FUNDS:	\$0.00	BUDGETED:	\$0.00
	STATE FUNDS:	\$0.00	AVAILABLE TO TRANSFER:	\$0.00
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	OTHER SOURCES:	\$0.00 \$0.00 \$0.00	FUNDING FOR THIS ITEM IS FOUND IN THE FOLLOWING ACCOUNT / FUND / CIP:	
	TOTAL:	\$0.00		
	FISCAL IMPACT STATEMENT: Application fee revenue: \$20.00			
ADDITIONAL INFORMATION	SUPPORTING INFORMATION NOT ATTACHED TO THE CITY COUNCIL ACTION FORM THAT IS ON FILE IN THE OFFICE OF THE CITY CLERK: 1. Special Event Liquor License Application 2. 3. 4. 5.			
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Lynda L. Bushong		9/15/2014		
WRITTEN/SUBMITTED BY:		DATE:		
Jasmin Rodriguez		9/15/2014		



City of YUMA

REQUEST FOR CITY COUNCIL ACTION

MEETING DATE: October 1, 2014

DEPARTMENT: Finance

DIVISION: Purchasing

- Motion
- Resolution
- Ordinance - Introduction
- Ordinance - Adoption
- Public Hearing

TITLE:
Request for Offer/Proposal (RFO/RFP): Operation of "The Hills" Restaurant

SUMMARY RECOMMENDATION:
Authorize the City Administrator to negotiate and execute a five-year contract to operate "The Hills" Restaurant Patio & Bar on behalf of the City of Yuma to:

Frank's Family Dining of Yuma, LLC Yuma, Arizona

(Parks & Recreation - RFO #2015-20000026 (Debbie Wendt))

REPORT:
The City's objective is to hire a Concessionaire to operate the restaurant/grill facility that will serve the dining needs of the golfing and general public. The Concessionaire will also be capable of providing onsite catering for special events such as golf outings, golf tournaments, weddings, birthdays, etc. In addition, the Concessionaire will also be responsible for catering events for the City of Yuma at the Yuma Civic Center and the Art Center.

The City issued a Request for Offer/Request for Proposal for the Operation of "The Hills" Restaurant Patio & Bar to outsource the restaurant. Originally the restaurant was intended to provide food service to golf clientele at Desert Hills Golf Course, but over the years, in order to attract a broader customer base, the bar and grill atmosphere was expanded, offering more of a full menu and improved facility, including a place for banquets and meetings. Not to compete with other local restaurant businesses, minimal advertising was done, relying on current patrons and word of mouth to promote the business and bring in additional customers. Over the years, and as costs increased, City staff determined that the best course of action to decrease expenditures would be to allow a private restaurateur to assume management of the restaurant, golf course snack shack, bar and cart beverage operations. A private entity will be able to increase advertising and expand restaurant services, using private monies to increase business.

The City will receive a percentage of the monthly gross receipts collected by the Concessionaire.

STATISTICS	TOTAL	LOCAL VENDORS
Downloaded Documents	32	8
Proposals Received	1	1

FISCAL REQUIREMENTS	CITY FUNDS:	\$0.00	BUDGETED:	\$0.00
	STATE FUNDS:	\$0.00	AVAILABLE TO TRANSFER:	\$0.00
	FEDERAL FUNDS:	\$0.00	IN CONTINGENCY:	\$0.00
	OTHER SOURCES:	\$0.00 \$0.00 \$0.00	FUNDING FOR THIS ITEM IS FOUND IN THE FOLLOWING ACCOUNT / FUND / CIP:	
	TOTAL:	\$0.00		
	FISCAL IMPACT STATEMENT: Revenues will be deposited into the Two Percent fund.			
ADDITIONAL INFORMATION	SUPPORTING INFORMATION NOT ATTACHED TO THE CITY COUNCIL ACTION FORM THAT IS ON FILE IN THE OFFICE OF THE CITY CLERK: 1. 2. 3. 4. 5.			
	IF CITY COUNCIL ACTION INCLUDES A CONTRACT, LEASE OR AGREEMENT, WHO WILL BE RESPONSIBLE FOR ROUTING THE DOCUMENT FOR SIGNATURE AFTER CITY COUNCIL APPROVAL? <input checked="" type="checkbox"/> Department <input type="checkbox"/> City Clerk's Office <input type="checkbox"/> Document to be recorded			
SIGNATURES	CITY ADMINISTRATOR:			DATE:
	Gregory K. Wilkinson			9/29/2014
	REVIEWED BY CITY ATTORNEY:			DATE:
	Steven W. Moore			9/29/2014
	RECOMMENDED BY (DEPT/DIV HEAD):			DATE:
Pat Wicks			9/29/2014	
WRITTEN/SUBMITTED BY:			DATE:	
Robin R. Wilson			9/29/2014	



City of YUMA

REQUEST FOR CITY COUNCIL ACTION

MEETING DATE: October 1, 2014

DEPARTMENT: Fire

DIVISION: Administration

- Motion
- Resolution
- Ordinance - Introduction
- Ordinance - Adoption
- Public Hearing

TITLE:
Grant: Assistance to Firefighters

SUMMARY RECOMMENDATION:

Authorize execution of all documents necessary for acceptance of the Assistance to Firefighters Grant which is a regional grant award for the purpose of purchasing Self-Contained Breathing Apparatus (SCBA) and necessary accessories.

REPORT:

The need exists for the Yuma Fire Department to replace all self-contained-breathing-apparatus (SCBA). The current equipment will become non-compliant with the national consensus standards issued by the Occupational Safety & Health Administration by the end of this calendar year. In addition, the current equipment is at the end of its useable life cycle having been purchased approximately 15 years ago.

The Federal Emergency Management Agency and the Department of Homeland Security have approved a grant for the Yuma Fire Department to provide for replacement of the majority of SCBA equipment and accessories; the total project cost is \$703,370. The Federal share is 90 percent (\$633,033) of the project amount with the City's share to be 10 percent or \$70,337. This grant award will pay for the majority of SCBA equipment requiring replacement prior to calendar year 2014.

By approving this Motion Consent Agenda item, Mayor and Council will authorize the City Administrator to execute the agreement with the Federal Emergency Management Agency/Department of Homeland Security and to direct Yuma Fire Department personnel to complete the Grant Program Directorate information to receive the grant funds for SCBA replacement.

FISCAL REQUIREMENTS	CITY FUNDS:	\$70,337.00	BUDGETED:	\$1,215,040.00
	STATE FUNDS:	\$0.00	AVAILABLE TO TRANSFER:	\$0.00
	FEDERAL FUNDS:	\$633,033.00	IN CONTINGENCY:	\$0.00
	OTHER SOURCES:	\$0.00 \$0.00 \$0.00	FUNDING FOR THIS ITEM IS FOUND IN THE FOLLOWING ACCOUNT / FUND / CIP: 511-70-21.8930	
	TOTAL:	\$703,370.00		
	FISCAL IMPACT STATEMENT: Funds provided by this grant award can be redirected toward other necessary expenditures.			
ADDITIONAL INFORMATION	SUPPORTING INFORMATION NOT ATTACHED TO THE CITY COUNCIL ACTION FORM THAT IS ON FILE IN THE OFFICE OF THE CITY CLERK: 1. Grant Summary of Assistance Action 2. 3. 4. 5.			
	IF CITY COUNCIL ACTION INCLUDES A CONTRACT, LEASE OR AGREEMENT, WHO WILL BE RESPONSIBLE FOR ROUTING THE DOCUMENT FOR SIGNATURE AFTER CITY COUNCIL APPROVAL? <input checked="" type="checkbox"/> Department <input type="checkbox"/> City Clerk's Office			
SIGNATURES	CITY ADMINISTRATOR:		DATE:	
	Gregory K. Wilkinson		9/24/2014	
	REVIEWED BY CITY ATTORNEY:		DATE:	
	Steven W. Moore		9/24/2014	
	RECOMMENDED BY (DEPT/DIV HEAD):		DATE:	
Steve Irr		9/15/2014		
WRITTEN/SUBMITTED BY:		DATE:		
Dusty Fields/Ruth Gloria		9/10/2014		



FEMA

Mr. Stephen Irr
City of Yuma Fire Department
One City Plaza
Yuma, Arizona 85364-1436

Re: Grant No.EMW-2013-FO-00331

Dear Mr. Irr:

On behalf of the Federal Emergency Management Agency (FEMA) and the Department of Homeland Security (DHS), I am pleased to inform you that your grant application submitted under the FY 2013 Assistance to Firefighters Grant has been approved. FEMA's Grant Programs Directorate (GPD), in consultation with the U.S. Fire Administration (USFA), carries out the Federal responsibilities of administering your grant. The approved project costs total to \$703,370.00. The Federal share is 90 percent or \$633,033.00 of the approved amount and your share of the costs is 10 percent or \$70,337.00.

Before you request and receive any of the Federal Grant funds awarded to you, you must establish acceptance of the Grant and Grant Agreement Articles through the Assistance to Firefighters Grant Programs' (AFG) e-grant system. Please make sure you read and understand the articles as they outline the terms and conditions of your grant award. By accepting the grant, you agree not to deviate from the approved scope of work without prior written approval, via amendment request, from FEMA. Maintain a copy of these documents for your official file.

If your SF 1199A has been reviewed and approved, you will be able to request payments online. Remember, you should request funds when you have an immediate cash need.

If you have any questions or concerns regarding the process to request your grant funds, please call 1-866-274-0960.

Sincerely,

A handwritten signature in blue ink, appearing to read "B. Kamoie".

Brian E. Kamoie
Assistant Administrator
Grant Programs Directorate



City of YUMA

REQUEST FOR CITY COUNCIL ACTION

MEETING DATE:	October 1, 2014	<input checked="" type="checkbox"/> Motion
DEPARTMENT:	Community Development	<input type="checkbox"/> Resolution
DIVISION:	Community Planning	<input type="checkbox"/> Ordinance - Introduction
		<input type="checkbox"/> Ordinance - Adoption
		<input type="checkbox"/> Public Hearing

TITLE:
Preliminary and Final Plat for the Tuscany Medical and Professional Plaza Subdivision, Phase 2

SUMMARY RECOMMENDATION:
Approve the preliminary and final plat for the Tuscany Medical and Professional Plaza Subdivision, Phase 2. The property is located at the southwest corner of 28th Street and 21st Drive, Yuma, AZ. The applicant is Edais Engineering, on behalf of Tuscany Holdings LLC. (SUBD-6756-2014)

Planning and Zoning Commission Recommendation:
On September 8, 2014 the Planning and Zoning Commission voted to recommend **APPROVAL** (5-0) with Underhill absent, of the request to approve the preliminary and final plat for the Tuscany Medical & Professional Plaza Subdivision, Phase 2, subject to the following conditions:

1. The conditions listed below are in addition to City codes, rules, fees and regulations that are applicable to this action.
2. The Owner shall submit to the City of Yuma, for recordation, a signed and notarized "Waiver of Claims under the Private Property Rights Protection Act." The Waiver shall be submitted within thirty (30) calendar days of the effective date of approval of the subdivision plat and prior to the issuance of any building permit. In the event this condition is not completed within this time frame, the approval of the plat is null and void.
3. The rights-of-way must be dedicated free and clear to the City, and all easements in the right-of-way must be vacated unless the easement is specifically presented to the City, and the City specifically approves its acceptance. Approval of the plat is not approval of an easement in the right-of-way.
4. Any easements on other property in the subdivision must be vacated to the extent that they would require a utility, licensed cable operator, or other licensed or franchised communications system (collectively, the "utilities") to:
 - a. pay to cross the easement to reach any structure on the lot;
 - b. prevent the utilities from providing service to any structure on a lot; or
 - c. effectively prevent any entity authorized to place facilities in a utility easement from

using the easements or accessing potential customers passed by the easement.

5. Approval of the plat does not authorize the maintenance or installation of any facility in the rights of way, whether or not contemplated by the plat, without a license, franchise, or similar authorization issued by the City.
6. After the final plat has been approved by City Council, the applicant/developer shall have one year to record the approved plat, or the final plat approval shall be null and void.

Public Comments – Excerpt from Planning and Zoning Commission Minutes:

Robert Blevins – Principal Planner, summarized the staff report, recommending **APPROVAL**.

QUESTIONS FOR STAFF

“**David Koopman – Planning and Zoning Commissioner** asked if there was adequate parking. **Blevins** said yes, there were 295 spaces. Of the total 49,000 square feet of buildings, 39,200 were allocated as medical use, which was one space per 150 square feet. 9,800 square feet were allocated for non-medical, which was one space per 300 square feet. There may be something unusual that would require a variance after the last lot sells.

“**Del Cave – Planning and Zoning Commissioner** asked about storm water drainage. **Andrew McGarvie – Assistant City Engineer**, said that the property takes in water from 28th Street. Cave asked if the basin would be in between the school and this property. **McGarvie** said the basin would be on the west side of 21st Drive and the south side of 28th Street. **Blevins** said the plat contains two retention basins. **Cave** asked the distance between the school and the basin. **Blevins** said the school property abuts this property.”

APPLICANT / APPLICANT’S REPRESENTATIVE

Najeh Edais, Edais Engineering, Yuma, Arizona, was available for questions.

PUBLIC COMMENT

None

Koopmann said he was glad to see this project moving forward.

MOTION

Motion by Karen Conde – Planning and Zoning Commissioner, second by Cave, to APPROVE Case Number SUBD-6756-2014, subject to the Conditions of Approval in Attachment A. Motion carried unanimously (5-0).

Motion carried unanimously (5-0).

Planning Commission Staff Report – Attached

FISCAL REQUIREMENTS	CITY FUNDS:	\$0.00	BUDGETED:	\$0.00
	STATE FUNDS:	\$0.00	AVAILABLE TO TRANSFER:	\$0.00
	FEDERAL FUNDS:	\$0.00	IN CONTINGENCY:	\$0.00
	OTHER SOURCES:	\$0.00 \$0.00 \$0.00	FUNDING FOR THIS ITEM IS FOUND IN THE FOLLOWING ACCOUNT / FUND / CIP:	
	TOTAL:	\$0.00		
	FISCAL IMPACT STATEMENT:			
ADDITIONAL INFORMATION	SUPPORTING INFORMATION NOT ATTACHED TO THE CITY COUNCIL ACTION FORM THAT IS ON FILE IN THE OFFICE OF THE CITY CLERK:			
	<ol style="list-style-type: none"> 1. 2. 3. 4. 5. 			
ADDITIONAL INFORMATION	IF CITY COUNCIL ACTION INCLUDES A CONTRACT, LEASE OR AGREEMENT, WHO WILL BE RESPONSIBLE FOR ROUTING THE DOCUMENT FOR SIGNATURE AFTER CITY COUNCIL APPROVAL?			
	<input type="checkbox"/> Department <input type="checkbox"/> City Clerk's Office			
SIGNATURES	CITY ADMINISTRATOR:			DATE:
	Gregory K. Wilkinson			9/24/2014
	REVIEWED BY CITY ATTORNEY:			DATE:
	Steven W. Moore			9/24/2014
	RECOMMENDED BY (DEPT/DIV HEAD):			DATE:
Bobette Bauermann for Laurie Lineberry			9/18/2014	
WRITTEN/SUBMITTED BY:			DATE:	
Robert Blevins			9/15/2014	



**STAFF REPORT TO THE PLANNING AND ZONING COMMISSION
DEPARTMENT OF COMMUNITY DEVELOPMENT
COMMUNITY PLANNING DIVISION
CASE TYPE – PRELIMINARY AND FINAL SUBDIVISION**

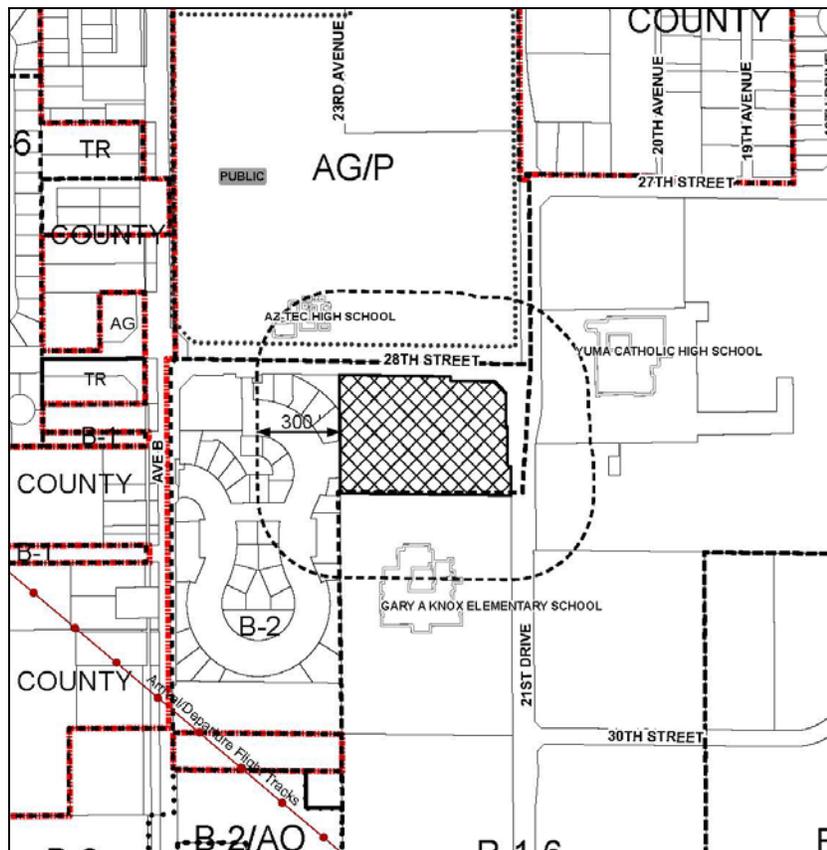
Hearing Date: September 8, 2014

Case Number: SUBD-6756-2014

Project Description/Location: Preliminary and final plat for the Tuscan Medical & Professional Plaza Subdivision, Phase 2. The property is located on the southwest corner of 28th Street and 21st Drive, Yuma, AZ.

	Existing Zoning	Existing Land Use	Land Use Designation
Site	General Commercial (B-2)	Vacant	Business Park
North	Agriculture / Public Designation (AG/P)	Yuma County Health Department	Public / Quasi-Public
South	Low Density Residential (R-1-6)	School	Business Park
East	Low Density Residential (R-1-6)	School	Business Park
West	General Commercial (B-2)	Tuscan Medical Plaza Phase 1	Business Park

Location Map



Prior site actions: Annexation: #1518 (09/20/1976); Rezone: Z2005-029; Subdivision: S2008-002 (expired plat).

Staff recommendation: Staff recommends **APPROVAL** of the preliminary and final plat for the Tuscany Medical and Professional Plaza Subdivision, Phase 2, subject to the conditions shown in Attachment A.

Suggested Motion: Motion to **APPROVE** the preliminary and final plat of the Tuscany Medical and Professional Plaza Subdivision, Phase 2, subject to the conditions shown in Attachment A, because the request is in conformance with the City of Yuma General Plan and is compatible with surrounding land uses.

Staff Analysis: Tuscany Medical and Professional Plaza Subdivision Phase 2 will be an extension of the completed original Phase 1. This new phase will have one of its access points through the original subdivision. All of the internal pavement, access, lighting, and landscaping will be maintained by a lot owner's association. There are no public roads within either phase of this subdivision.

Phase 2 was previously-approved in 2008. That approval expired in 2009 since the plat was not recorded. This resubmittal of the approximately 5.78 acre subdivision is shown to be divided into 10 lots, ranging from approximately 6,048 square feet to 26,156 square feet. It is generally the same as the prior plat with the exception of some of the smaller lots being combined into larger lots plus 17 additional parking spaces resulted from those lots being combined. The size of the subdivision and its access points have not changed.

The 295 parking spaces determined to be required (and being provided) is based on construction of a cumulative total of 49,000 square feet of buildings. Distributed among the 10 lots will be: 39,200 square feet of medical offices, and 9,800 square feet of non-medical offices. Each lot will have a maximum square footage of buildable area listed on the plat in order to meet the proposed parking.

The City of Yuma Director of Public Works commented: "Please note this property takes/receives storm water from the adjacent roadways and will need to continue as is."

1. Does the subdivision comply with the conditions of the rezoning?

Yes All conditions of Z2005-029 have been met.

2. Does the subdivision comply with the conditions of the preliminary plat approval?

Yes All conditions of the prior case S2008-002 have been met aside from the plat recording.

3. Is the final plat consistent with the preliminary plat that was approved?

Yes With the exception of several of the smaller lots that were combined into large lots.

Public Comments Received: None

External Agency Comments: See Attachment D

Neighborhood Meeting Comments: No Meeting Required.

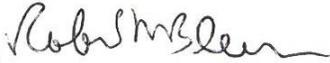
Proposed conditions delivered to applicant on: August 6, 2014

Final staff report delivered to applicant on: August 12, 2014

Applicant agreed with all of the conditions of approval on: August 6, 2014

Attachments

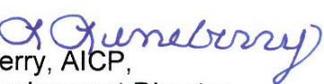
A	B	C	D	E	F
Final Plat Conditions of Approval	Final Plat Map	Rezone Conditions	Prior Final Plat	External Agency Comments	Aerial Photo

Prepared By: 
Bob Blevins, Principal Planner

Date: 8/6/14

Reviewed By: 
Bobette Bauermann,
Principal Planner

Date: 8/11/14

Approved By: 
Laurie L. Lineberry, AICP,
Community Development Director

Date: 8-11-14

**ATTACHMENT A
FINAL PLAT
CONDITIONS OF APPROVAL**

The following conditions of approval have been determined to have a reasonable nexus to the requested subdivision application and are roughly proportionate to the impacts associated with the subdivision and expected development on the property.

Community Development Comments: Laurie Lineberry, Community Development Director (928) 373-5175:

1. The conditions listed below are in addition to City codes, rules, fees and regulations that are applicable to this action.
2. The Owner shall submit to the City of Yuma, for recordation, a signed and notarized "Waiver of Claims under the Private Property Rights Protection Act." The Waiver shall be submitted within thirty (30) calendar days of the effective date of approval of the subdivision plat and prior to the issuance of any building permit. In the event this condition is not completed within this time frame, the approval of the plat is null and void.

City Attorney Comments: Richard Files, Assistant City Attorney (928) 373-5058:

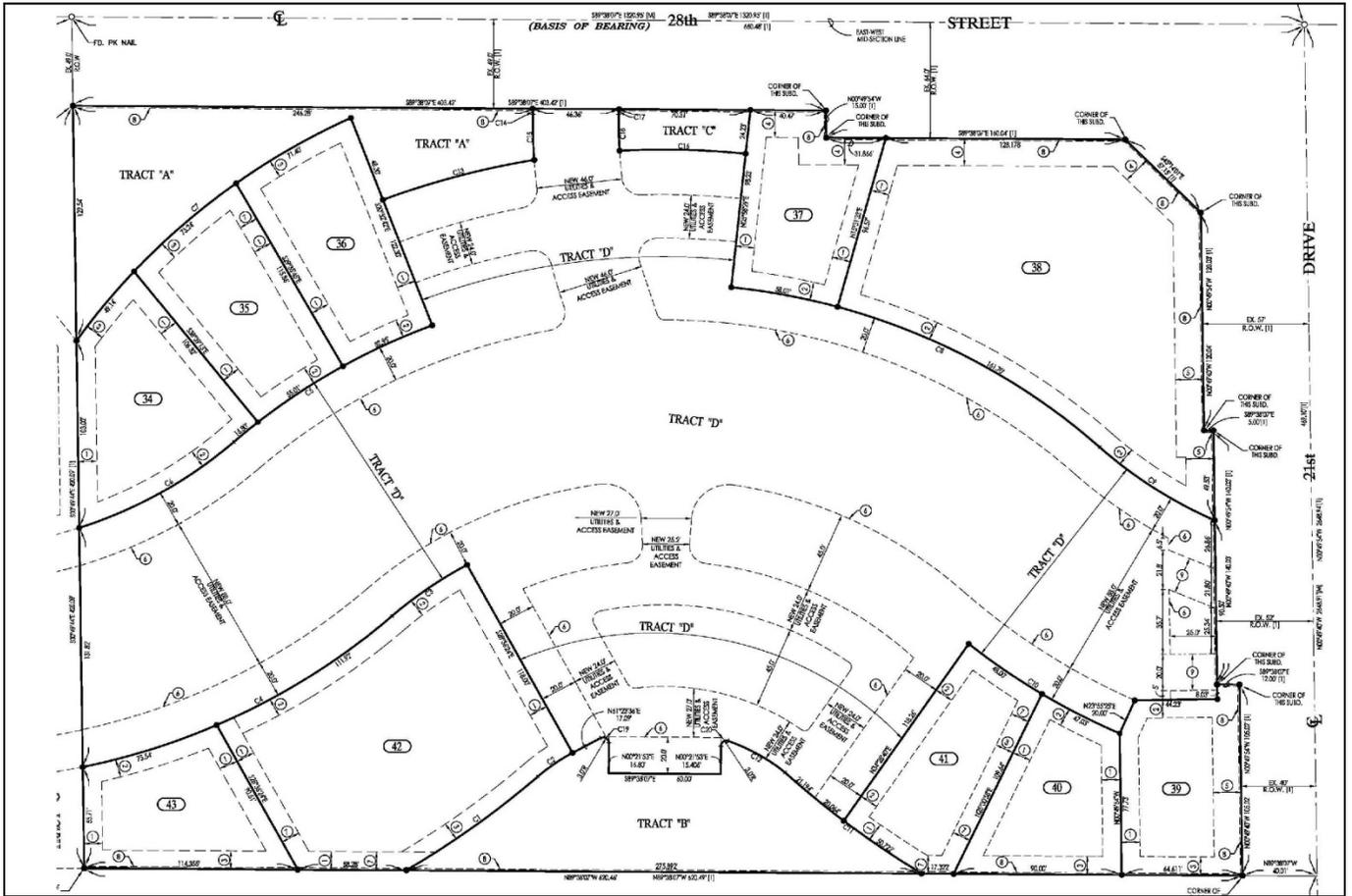
3. The rights-of-way must be dedicated free and clear to the City, and all easements in the right-of-way must be vacated unless the easement is specifically presented to the City, and the City specifically approves its acceptance. Approval of the plat is not approval of an easement in the right-of-way.
4. Any easements on other property in the subdivision must be vacated to the extent that they would require a utility, licensed cable operator, or other licensed or franchised communications system (collectively, the "utilities") to:
 - a. pay to cross the easement to reach any structure on the lot;
 - b. prevent the utilities from providing service to any structure on a lot; or
 - c. effectively prevent any entity authorized to place facilities in a utility easement from using the easements or accessing potential customers passed by the easement.
5. Approval of the plat does not authorize the maintenance or installation of any facility in the rights of way, whether or not contemplated by the plat, without a license, franchise, or similar authorization issued by the City.

Community Planning Conditions: Bob Blevins, Principal Planner, (928) 373-5189:

6. After the final plat has been approved by City Council, the applicant/developer shall have one year to record the approved plat, or the final plat approval shall be null and void.

Any questions or comments regarding the Conditions of Approval as stated above should be directed to the staff member who provided the comment. Name and phone numbers are provided.

ATTACHMENT B FINAL PLAT MAP



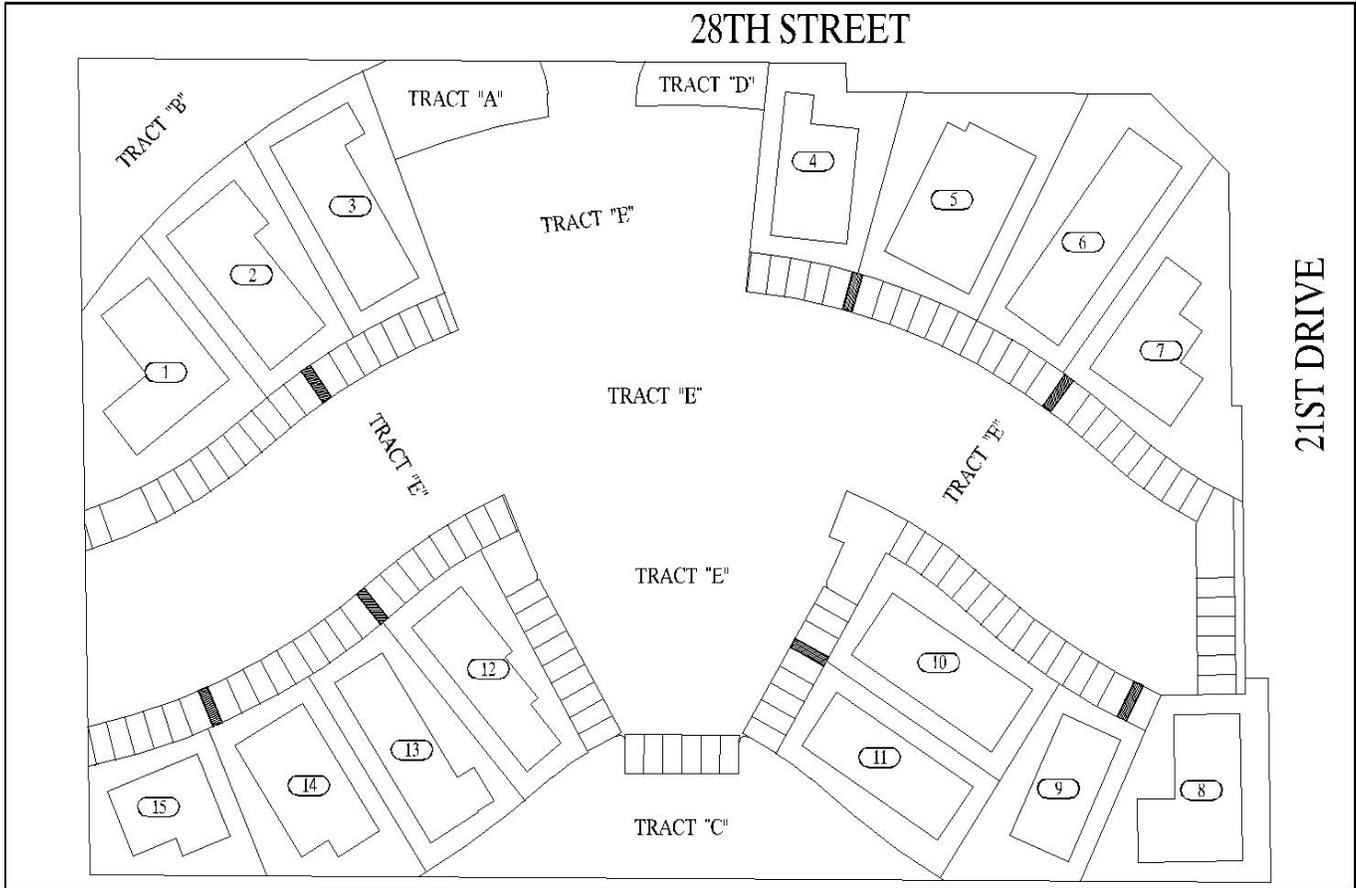
**ATTACHMENT C
REZONE CONDITIONS**

Z2005-029 (ALL CONDITIONS MET)

1. The conditions listed below are in addition to City codes, rules, fees and regulations that are applicable to this action.
2. The Owner shall install all new utilities: gas, water, sewer, storm water if applicable, electricity up to and including 45 KV systems, telephone, and cable television. Each utility shall service the area with underground facilities.
3. The Owner shall provide a one-foot (1') non-access easement over the entire street and right-of-way frontages of 28th Street, 21st Drive and any interior collector streets into the subdivision, with the exception of any access approved by the City.
4. The Owner shall record an agriculture disclosure statement for the subject property prior to recordation of the final plat.
5. The Owner shall dedicate all rights-of-ways indicated as necessary by the Major Roadways Plan and the General Plan by plat or warranty deed and each shall be accompanied by an environmental transaction screening. All required deeds and easements shall be submitted to the Department of Community Development for review and approval prior to recording the final plat. Said dedications shall include, but not be limited to, the following:
 - a. 21st Drive - 40 feet of half width right-of-way.
 - b. Intersection flare requirements per Figure 3 of the 2005 Major Roadways Plan
 - c. 12 feet wide right-of-way for future deceleration lanes from 28th Street and 21st Drive accessing the property being rezoned.
 - d. 58 feet wide local streets if dedicated to the City of Yuma.
 - e. 25 feet corner triangles at the intersections of all local streets with local streets.
6. The Owner shall record a raised median covenant on the property that acknowledges that medians may be constructed within 28th Street and 21st Drive adjacent to the property, that may restrict access to properties and the development to right turns in and out, prior to recordation of the final plat.
7. The Owner shall record an Avigation Disclosure Statement on the property acknowledging noise and the over flight of aircraft from the daily operations of the Marine Corps Air Station and the Yuma International Airport prior to the recordation of the final plat.
8. The Owner shall provide the City with a traffic study for review and approval prior to preliminary plat application. The traffic study must include the intersections of all site access roadways within the arterial and collector street system and all intersections involving two arterials, two collector streets or a collector street and an arterial where site-generated traffic in the peak street traffic hours is expected to be at least 100 vehicles per hour. The study shall conform to guidelines that will be provided by the City's Traffic Engineer and shall be subject to the Traffic Engineer's approval. The study shall include all phases of the development (past, present and planned). The Owner shall provide trip generation and distribution acceptable to the Traffic Engineer. The Owner shall construct all improvements shown by the study to be needed as a result of the development.
9. Collector streets in the development shall have roundabouts or speed tables at least every 700 feet. These may be at intersections or at mid-block locations. The design speeds shall be 30 miles per hour.

10. All designs shall be subject to the approval of the City.
11. All City of Yuma construction standards, policies, code, and charters shall remain in effect, unless specifically altered by conditions listed above or in previous written agreements with the City of Yuma.
12. Each of the conditions listed above shall be completed within two (2) years of the effective date of the rezoning ordinance or prior to issuance of a building permit for any lot, whichever comes first. In the event the conditions are not completed within this timeframe, the applicable rezoning shall be null and void.

ATTACHMENT D
PRIOR FINAL PLAT (EXPIRED)



**ATTACHMENT E
EXTERNAL AGENCY COMMENTS**

COMMENT NO COMMENT

Enter comments below:

Should a project be developed as a result of this proposed land use change action, YCIPTA (Yuma County Intergovernmental Public Transportation Authority) would request consideration towards the establishment of a bus stop on 28th Street, farside 21st Drive from the intersection. The bus stop developed should conform to YCIPTA revised standards with includes a pole with a YCAT bus stop sign, plus provision for placement of a bus bench and/or shelter.

DATE: 7/28/14 NAME: John Andoh

AGENCY: YCIPTA

PHONE: 928-539-7076 ext 237

COMMENT NO COMMENT

Enter comments below:

The subject property its located about 800 feet from a Yuma County island on the northeast and west. Traffic at peak hours at this location may become an issue due to the prescence of the high school on the east and the elementary school on the south.

DATE: 7/31/14 NAME: Javier Barraza, Senior Planner

AGENCY: Yuma County, DDS

PHONE: (928) 817-5150

COMMENT NO COMMENT

Enter comments below:

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ATTACHMENT F
AERIAL PHOTO





City of YUMA

REQUEST FOR CITY COUNCIL ACTION

MEETING DATE:

October 1, 2014

DEPARTMENT:

Community Development

DIVISION:

Community Planning

- Motion
- Resolution
- Ordinance - Introduction
- Ordinance - Adoption
- Public Hearing

TITLE:

Zoning Code Text Amendment: Accessory Structures

SUMMARY RECOMMENDATION:

Amend the City of Yuma Zoning Code to add Title 15, Chapter 154, Section 15.15 to provide regulations for accessory structures and to permit accessory structures within certain identified residential zoning districts. (ZONE-6490-2014).

REPORT:

On August 25, 2014, the Planning and Zoning Commission voted to recommend APPROVAL (5-0, with one vacancy and Sorenson absent) of the request to amend the City of Yuma Zoning Code to add Title 15, Chapter 154, Section 15.15 to provide regulations for accessory structures and to permit accessory structures within certain identified residential zoning districts.

PUBLIC COMMENTS - EXCERPT FROM PLANNING AND ZONING COMMISSION MEETING MINUTES:

QUESTIONS FOR STAFF

“David Koopmann – Planning and Zoning Commissioner, stated that this request made sense. Most new developments have utilities in the street, rather than the back yard, accessing them from the alley. Some of the reasons that older utility easements exist might not be relevant any longer.

“Del Cave – Planning and Zoning Commissioner, asked who would wash their clothes outside. Joy Everett – Senior Planner, said many people have their washing machines outside. Cave asked about a sink. Everett said that was starting to get into a habitable dwelling, which is what staff wanted to avoid. Cave asked where the 8-foot limit was obtained. Everett said most sheds were 7 feet tall, and 8 feet at the peak. Laurie Lineberry – Community Development Director, stated that there were intensive Staff discussions regarding the height limit and it was determined that 8 feet was ideal.

“Clinton Underhill – Planning and Zoning Commissioner, asked about setbacks. Everett said this met the building code. Underhill asked if there was a setback requirement for these sheds. Lineberry said there was a separation requirement for buildings in the building code. Underhill said this process would begin with permits but there were many people who did not obtain permits for their sheds.

“Chris Hamel – Planning and Zoning Commissioner, asked if staff was going to notify citizens and asked if there would be a grace period for citizens to comply. **Lineberry** said this request was actually expanding the allowable uses – sheds could be built closer. No grace period was required.

“Koopmann asked if Staff was inspired by other cities. **Everett** said the height was obtained from the Phoenix area and the other provisions came from current building codes. **Lineberry** said the portion regarding larger sheds requiring more setback space came from staff.

“Underhill asked if there was a limit for block walls to avoid looking at sheds. **Lineberry** said the code now allows a block wall to be a maximum of 7 feet tall before requiring engineering plans.

APPLICANT / APPLICANT’S REPRESENTATIVE

OPEN PUBLIC COMMENT

“Gus Palmisano, 1322 S. Howard Drive, Yuma, Arizona, agreed with the new setback rules. He wanted to build a shed and thought the three foot setback was adequate.

CLOSE PUBLIC COMMENT

MOTION

“Motion by Underhill, second by Conde, to APPROVE Case Number ZONE-6490-2014. Motion carried unanimously (5-0).”

Planning Commission Staff Report - Attached

FISCAL REQUIREMENTS	CITY FUNDS:	\$0.00	BUDGETED:	\$0.00
	STATE FUNDS:	\$0.00	AVAILABLE TO TRANSFER:	\$0.00
	FEDERAL FUNDS:	\$0.00	IN CONTINGENCY:	\$0.00
	OTHER SOURCES:	\$0.00 \$0.00 \$0.00	FUNDING FOR THIS ITEM IS FOUND IN THE FOLLOWING ACCOUNT / FUND / CIP:	
	TOTAL:	\$0.00		
	FISCAL IMPACT STATEMENT:			

ADDITIONAL INFORMATION	SUPPORTING INFORMATION NOT ATTACHED TO THE CITY COUNCIL ACTION FORM THAT IS ON FILE IN THE OFFICE OF THE CITY CLERK:			
	<ol style="list-style-type: none"> 1. 2. 3. 4. 5. 			
IF CITY COUNCIL ACTION INCLUDES A CONTRACT, LEASE OR AGREEMENT, WHO WILL BE RESPONSIBLE FOR ROUTING THE DOCUMENT FOR SIGNATURE AFTER CITY COUNCIL APPROVAL?				
<input type="checkbox"/> Department <input type="checkbox"/> City Clerk's Office				

SIGNATURES	CITY ADMINISTRATOR:	DATE:
	Pat Wicks for Gregory K. Wilkinson	9/10/2014
	REVIEWED BY CITY ATTORNEY:	DATE:
	Richard W. Files for Steven W. Moore	9/10/2014
	RECOMMENDED BY (DEPT/DIV HEAD):	DATE:
Laurie L. Lineberry	9/2/2014	
WRITTEN/SUBMITTED BY:	DATE:	
Stephanie Joy Everett	9/2/2014	



**STAFF REPORT TO THE PLANNING AND ZONING COMMISSION
DEPARTMENT OF COMMUNITY DEVELOPMENT
COMMUNITY PLANNING DIVISION
CASE TYPE – TEXT AMENDMENT**

Hearing Date August 25, 2014

Case Number: ZONE-6490-2014

Project Description: Add Title 15, Chapter 154, Section 15.15 to provide regulations for accessory structures and to permit accessory structures within certain identified residential zoning districts.

Staff recommendation: Staff recommends **APPROVAL** of the request to amend the City of Yuma Zoning Code to add Title 15, Chapter 154, Section 15.15 to provide regulations for accessory structures and to permit accessory structures within certain identified residential zoning districts.

Suggested Motion: Move to approve the request to amend the City of Yuma Zoning Code to add Title 15, Chapter 154, Section 15.15 to provide regulations for accessory structures and to permit accessory structures within certain identified residential zoning districts.

Staff Analysis: This text amendment would provide placement regulations for accessory structures in a number of residential districts. Examples of accessory structures include storage sheds, workshops, outdoor barbeques, and outdoor fireplaces. Garages are not subject to these regulations and must abide by the standard setbacks for the zoning district in which they are placed.

Presently, all accessory structures must meet rear and side yard setbacks. This often places accessory structures in the middle of backyards. Most homeowners want to locate their accessory structures in the corner of their backyards and the City receives many variance requests for this issue. The proposed text amendment enables property owners to place accessory structures in the setbacks while also protecting neighbors. In developing this code, staff looked at best practices from a number of other cities in Arizona. Staff also worked closely with the Building Official to ensure these regulations are compatible with the Residential Building Code.

1. Does the proposed amendment implement the goals, objectives and policies of the General Plan?

Yes The proposed amendment implements the goals, objectives and policies of the General Plan.

2. Does the proposed amendment fit the overall purpose and intent of the zoning ordinance?

Yes The amendment fits the overall purpose and intent of the zoning ordinance.

3. Will the proposed amendment change the range of uses identified in the zoning code? If so, how?

No The amendment will not change the range of uses identified in the zoning code.

4. Will the proposed text amendment change the development standards of the zoning or subdivision ordinances? If so, how?

Yes The amendment does change the development standards identified in the Zoning Code such that it provides options for placement of accessory structures in residential rear

and side yard setbacks, based upon height and square footage.

5. What are the potential impacts of the proposed amendment?

No potential negative impacts are identified with the proposed text amendment.

Potential positive impacts are:

- The City of Yuma will have clear criteria for, and consistent review of, accessory structures.
- This text amendment will reduce the number of variances for accessory structures in setbacks, which is a common request.
- Homeowners will have more flexibility in where they can place accessory structures.

6. Does the proposed amendment fit the overall purpose and intent of the subdivision ordinance?

N/A

7. Does the proposed amendment conform to prior City Council actions regarding this issue?

N/A There are no prior Council Actions in regards to this issue.

Public Comments Received: None Received.

External Agency Comments: See Attachment B.

Neighborhood Meeting Comments: No Meeting Required.

Proposed conditions delivered to applicant on: N/A

Final staff report delivered to applicant on: N/A

- No conditions of approval
- Applicant did not agree with the following conditions of approval: (list #'s)
- If the Planner is unable to make contact with the applicant – describe the situation and attempts to contact.

Attachments:

A	B
Draft Text	Exterior Agency Comments

Project Planner: Joy Everett, Senior Planner 373 -5000 #3034 Joy.Everett@Yumaaz.gov

Prepared By:  Joy Everett, Senior Planner **Date:** 7-24-14

Reviewed By:  Bobette Bauermann, Principal Planner **Date:** 7/24/14

Approved By:  Laurie L. Lineberry, AICP, Community Development Director **Date:** 7.24.14

ATTACHMENT A
DRAFT TEXT

That the Yuma City Code, Title 15, Chapter 154, Section: 05.03 Residential Estate Districts (RE-12, RE-18 and RE-35) be amended to delete the strikethrough text and insert the following bolded text:

- (D) (4) **In the RE-18 and Re-35 Districts only, pPergolas or semi-covered structures are allowed to encroach within the rear yard setback area 10% of the rear yard setback area. The pergola or semi-covered structure must maintain a minimum ten-foot setback including overhangs from the rear yard property line. No structure may be built within any designated public utility easement that exists along any property line.**
- (5) **In the RE-12 District only, accessory buildings, uses, and structures are subject to the criteria as specified in § 154-15.15 of this chapter.**

That the Yuma City Code, Title 15, Chapter 154, Section: 05.04 Low Density Residential Districts (R-1-6, R-1-8, R-1-12, R-1-20 and R-1-40) be amended to delete the strikethrough text and insert the following bolded text:

- (D) (4) **In the R-1-6, R-1-8, and R-1-12 Districts only, accessory buildings, uses, and structures are subject to the criteria as specified in § 154-15.15 of this chapter.** ~~In the R-1-6 and R-1-8 Districts only, pergolas or semi-covered structures are allowed to encroach within the rear yard setback area 25% of the rear yard setback area. The pergola or semi-covered structure must maintain a minimum five foot setback including overhangs from the rear yard property line. No structure may be built within any designated public utility easement that exists along any property line.~~

That the Yuma City Code, Title 15, Chapter 154, Section: 05.05 Low Density Single-Family Residential District (R-1-5) be amended to delete the strikethrough text and insert the following bolded text:

- (D) (1) Accessory uses of buildings or structures customarily incidental and subordinate to any use permitted by this subchapter such as swimming pools, garages, laundry rooms and public recreation areas and structures; **subject to the criteria as specified in § 154-15.15 of this chapter;**

That the Yuma City Code, Title 15, Chapter 154, Section: 07.01 Medium Density Residential District (R-2) be amended to delete the strikethrough text and insert the following bolded text:

- (D) (1) Accessory uses of buildings or structures customarily incidental and subordinate to any use permitted by this **subchapter** such as swimming pools, private carports and garages, laundry rooms and common recreation buildings and areas; provided that none shall be operated for use by the general public for gain; **and subject to the criteria as specified in § 154-15.15 of this chapter;**

That the Yuma City Code, Title 15, Chapter 154, Section: 07.02 Medium Density Single-Family Residential District (R-2-5) be amended to delete the strikethrough text and insert the following bolded text:

- (D) (1) Accessory uses of buildings or structures customarily incidental and subordinate to any use permitted by this subchapter such as swimming pools, garages, laundry rooms and public recreation areas and structures; **subject to the criteria as specified in § 154-15.15 of this chapter;**

That the Yuma City Code, Title 15, Chapter 154, Section: 07.03 High Density Residential District (R-3) be amended to delete the strikethrough text and insert the following bolded text:

- (D) (1) Accessory uses of buildings or structures customarily incidental and subordinate to any use permitted by this subchapter such as swimming pools, private carports and garages, laundry rooms and common recreation buildings and areas; provided that none shall be operated for use by the general public for gain; **and subject to the criteria as specified in § 154-15.15 of this chapter;**

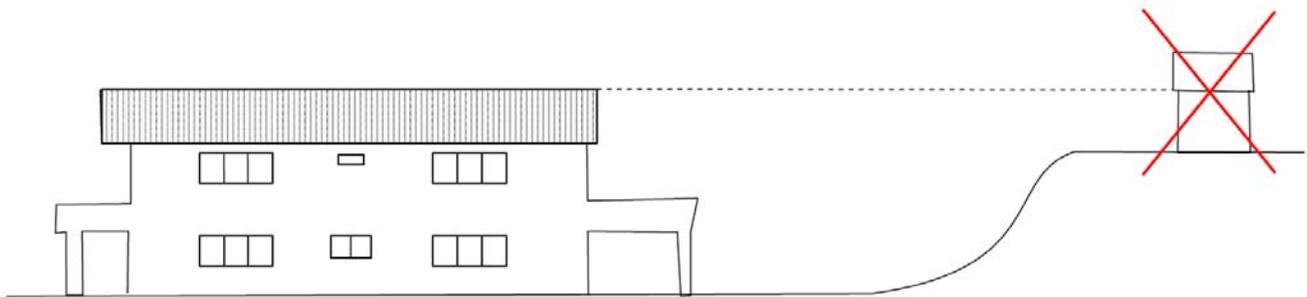
That the Yuma City Code, Title 15, Chapter 154, Article 15 General Provisions be amended to insert the following subsection:

154-15.15 Accessory Buildings, Uses and Structures in Certain Residential Districts.

- (A) *Applicability.* Accessory buildings or structures and uses shall be incidental to the principal residential use. They must be detached from the principal building, occupy less floor area, cover less lot area, and have a use that is secondary to the primary structure(s) and use(s) on the property. Accessory buildings or structures include storage sheds, workshops, outdoor barbeques, outdoor fireplaces, and any other structures as determined by the Zoning Administrator. Buildings, structures, and uses may all function as “accessory,” subject to the provisions below.
- (B) *Accessory Uses.* Accessory buildings or structures may be used for home occupations in compliance with Section 154-15.08.
- (C) *Accessory Buildings or Structures.*
- (1) Accessory buildings or structures that exceed two hundred (200) square feet in area **or** eight (8) feet in height are permitted in residential districts, subject to the following standards:
- (a) Use. Accessory buildings or structures shall not be used as a dwelling, except where permitted by Zoning District. Plumbing is permitted in accessory buildings for a washing machine only.
- (b) Setback.
1. Accessory buildings or structures shall be located behind the midpoint of the principal building. The leading edge of such buildings, including overhangs, shall be setback at least three (3) feet from side and rear property lines. An additional one (1) foot setback is required for every additional foot in height above eight (8) feet. This provision is applicable within certain identified zoning districts regardless of setback illustrations on plats *if* the setbacks illustrated on the plat are the same as the standard setbacks for that zoning district. If the setbacks illustrated on the plat are larger than the standard setbacks for that zoning district, then the platted setbacks take precedence.
 2. Accessory buildings in the Agriculture (AG) district shall comply with the setback standards required in the district.
 3. Accessory buildings or structures shall comply with the street setback standards required in the applicable zoning district.
 4. On a through lot, accessory buildings or structures shall not be located closer to the rear property line than the distance required for the front yard building setback.

5. Accessory buildings or structures shall comply with all applicable building and fire codes.
 - (c) Height. The maximum allowable building height shall be fifteen (15) feet or the height of the principal building, whichever is less. On lots with elevation changes, accessory structures shall not be permitted on lot areas where the accessory structure will be higher than the principle structure roofline. See illustration 15-1.

Illustration 15-1



- (d) Area. Accessory buildings or structures shall comply with lot coverage regulations for the applicable zoning district and shall not occupy more than thirty percent (30%) of the area between the principal structure and the rear property line.
 - (e) Compatibility. Accessory buildings or structures shall be designed with a logical hierarchy of masses with regard to height, size, and volume; and use construction materials and colors that are contextually appropriate and compatible with the principal building and surrounding neighborhood.
- (2) Accessory buildings or structures that are between one hundred and twenty-one (121) square feet and two hundred (200) square feet in area, **and** less than eight (8) feet in height are permitted in residential districts, subject to the following standards:
- (a) Use. Accessory buildings or structures shall not be used as a dwelling, except where permitted by Zoning District. Plumbing is permitted for a washing machine only.
 - (b) Setback.
 1. Accessory buildings or structures shall not be located in the required front yard building setback. The leading edge of such buildings, including overhangs, shall be setback at least three (3) feet from side and rear property lines. This provision is applicable within certain identified zoning districts regardless of setback illustrations on plats.
 2. Accessory buildings or structures shall comply with the street setback standards required in the applicable zoning district.
 3. On a through lot, accessory buildings or structures shall not be located closer to the rear property line than the distance required for the front yard building setback.

- (c) Height. The maximum allowable building height shall be less than eight (8) feet or the height of the principal building, whichever is less. On lots with elevation changes, accessory structures shall not be permitted on lot areas where the structure will be higher than the principle structure roofline.
 - (d) Area. Accessory buildings or structures shall comply with lot coverage regulations for the applicable zoning district and shall not occupy more than thirty percent (30%) of the area between the principal structure and the rear property line.
- (3) Accessory buildings or structures that are one hundred and twenty (120) square feet or less in area **and** less than eight (8) feet in height are permitted in residential districts, subject to the following standards:
- (a) Use. Accessory buildings or structures shall not be used as a dwelling, except where permitted by Zoning District. Plumbing is permitted for a washing machine only.
 - (b) Setback.
 1. Accessory buildings or structures shall not be located in the required front yard building setback. The leading edge of such buildings, including overhangs, can be set along the side and rear property lines. This provision is applicable within certain identified zoning districts regardless of setback illustrations on plats. A four (4) foot separation between the accessory structure and any other structures shall be provided in order to maintain fire and emergency access.
 2. Accessory buildings or structures shall comply with the street setback standards required in the applicable zoning district.
 3. On a through lot, accessory buildings or structures shall not be located closer to the rear property line than the distance required for the front yard building setback.
 - (c) Height. The maximum allowable building height shall be less than eight (8) feet or the height of the principal building, whichever is less. On lots with elevation changes, accessory structures shall not be permitted on lot areas where the structure will be higher than the principle structure roofline.
 - (d) Area. Accessory buildings or structures shall comply with lot coverage regulations for the applicable zoning district and shall not occupy more than thirty percent (30%) of the area between the principal structure and the rear property line.
- (D) *Appeals.* An applicant may appeal a decision of the Zoning Administrator regarding the compatibility requirement to the Hearing Officer in accordance with § 154-03.02 (C).

Table 15-1 – Basic Guidelines for Accessory Buildings and Structures.

Height		Area	Accessory Structure Setback
more than eight (8) feet	<i>OR</i>	more than 200 square feet	three (3) feet + one (1) foot for each foot over eight (8') feet in height
eight (8) feet or less	<i>AND</i>	121-200 square feet	three (3) feet
eight (8) feet or less	<i>AND</i>	0-120 square feet	zero (0) feet

Structures larger than 200 square feet or ten (10) feet in wall height require a building permit.
Electrical requires separate permits.
Additional building requirements may apply.

**ATTACHMENT B
EXTERIOR AGENCY COMMENTS**

COMMENT NO COMMENT

Enter comments below:

I am supportive of the amendment as long as consideration is given to Blue Stake and identifying existing utilities as well as not encroaching into easements for utilities that may inhibit access to the facilities.

DATE: 6/27/14 NAME: Scott C. Kerns TITLE: Right-of-Way Agent
AGENCY: APS
PHONE: 928-336-9869
RETURN TO: Joy Everett
 Joy.Everett@YumaAZ.gov

COMMENT NO COMMENT

Enter comments below:

It is recommended that any item(s) specifically regulated and enforced by the Building Code not be referenced in the Zoning Code. Any future updates/changes to the Building Code will require updates/changes to the (same) verbiage in the Zoning Code which could take months/years before they are adopted and could potentially create conflicting information. It is highly recommended that each Code work as two separate/stand alone documents that reference and regulate their stated and intended purpose.

DATE: 6/30/14 NAME: Juan Leal Rubio TITLE: Senior Planner
AGENCY: Yuma County DDS
PHONE: 928-817-5176
RETURN TO: Joy Everett
 Joy.Everett@YumaAZ.gov

ORDINANCE NO. O2014-29

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 THE ZONING CODE TO ADD REGULATIONS FOR ACCESSORY STRUCTURES, TO PERMIT ACCESSORY STRUCTURES WITHIN CERTAIN IDENTIFIED RESIDENTIAL ZONING DISTRICTS, AND PROVIDING PENALTIES FOR VIOLATIONS THEREOF

WHEREAS, from time to time it may be desirable to modify the zoning code in 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 August 25, 2014, in Zoning Case No: ZONE-6490-2014 in the manner prescribed by law for the purpose of amending the City of Yuma Zoning Code; and,

WHEREAS, due and proper notice of such public hearing was given in the time, form, substance and manner as provided by law, including publication of such notice in the Yuma Sun on July 18, 2014; and,

WHEREAS, the City Council has considered the recommendation of the Planning and Zoning Commission regarding Case No: ZONE-6490-2014 and finds that the zoning code text amendment fulfills 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 Yuma City Code, Title 15, Chapter 154, Section: 05.03 Residential Estate Districts (RE-12, RE-18 and RE-35) be amended to delete the strikethrough text and insert the following bolded text:

- (D) (4) **In the RE-18 and Re-35 Districts only, pPergolas or semi-covered structures are allowed to encroach within the rear yard setback area 10% of the rear yard setback area. The pergola or semi-covered structure must maintain a minimum ten-foot setback including overhangs from the rear yard property line. No structure may be built within any designated public utility easement that exists along any property line.**
- (5) **In the RE-12 District only, accessory buildings, uses, and structures are subject to the criteria as specified in § 154-15.15 of this chapter.**

SECTION 2: That the Yuma City Code, Title 15, Chapter 154, Section: 05.04 Low Density Residential Districts (R-1-6, R-1-8, R-1-12, R-1-20 and R-1-40) be amended to delete the strikethrough text and insert the following bolded text:

- (D) (4) **In the R-1-6, R-1-8, and R-1-12 Districts only, accessory buildings, uses, and structures are subject to the criteria as specified in § 154-15.15 of this chapter.** ~~In the R-1-6 and R-1-8 Districts only, pergolas or semi-covered structures are allowed to encroach within the rear yard setback area 25% of the rear yard setback area. The pergola or semi-covered structure must maintain a minimum five foot setback including overhangs from the rear yard property line. No structure may be built within any designated public utility easement that exists along any property line.~~

SECTION 3: That the Yuma City Code, Title 15, Chapter 154, Section: 05.05 Low Density Single-Family Residential District (R-1-5) be amended to delete the strikethrough text and insert the following bolded text:

- (D) (1) Accessory uses of buildings or structures customarily incidental and subordinate to any use permitted by this subchapter such as swimming pools, garages, laundry rooms and public recreation areas and structures; **subject to the criteria as specified in § 154-15.15 of this chapter;**

SECTION 4: That the Yuma City Code, Title 15, Chapter 154, Section: 07.01 Medium Density Residential District (R-2) be amended to delete the strikethrough text and insert the following bolded text:

- (D) (1) Accessory uses of buildings or structures customarily incidental and subordinate to any use permitted by this **subchapter** such as swimming pools, private carports and garages, laundry rooms and common recreation buildings and areas; provided that none shall be operated for use by the general public for gain; **and subject to the criteria as specified in § 154-15.15 of this chapter;**

SECTION 5: That the Yuma City Code, Title 15, Chapter 154, Section: 07.02 Medium Density Single-Family Residential District (R-2-5) be amended to delete the strikethrough text and insert the following bolded text:

- (D) (1) Accessory uses of buildings or structures customarily incidental and subordinate to any use permitted by this subchapter such as swimming pools, garages, laundry rooms and public recreation areas and structures; **subject to the criteria as specified in § 154-15.15 of this chapter;**

SECTION 6: That the Yuma City Code, Title 15, Chapter 154, Section: 07.03 High Density Residential District (R-3) be amended to delete the strikethrough text and insert the following bolded text:

- (D) (1) Accessory uses of buildings or structures customarily incidental and subordinate to any use permitted by this subchapter such as swimming pools, private carports and garages, laundry rooms and common recreation buildings and areas; provided that none shall be operated for use by the

general public for gain; **and subject to the criteria as specified in § 154-15.15 of this chapter;**

SECTION 7: That the Yuma City Code, Title 15, Chapter 154, Article 15 General Provisions be amended to insert the following subsection:

154-15.15 Accessory Buildings, Uses and Structures in Certain Residential Districts.

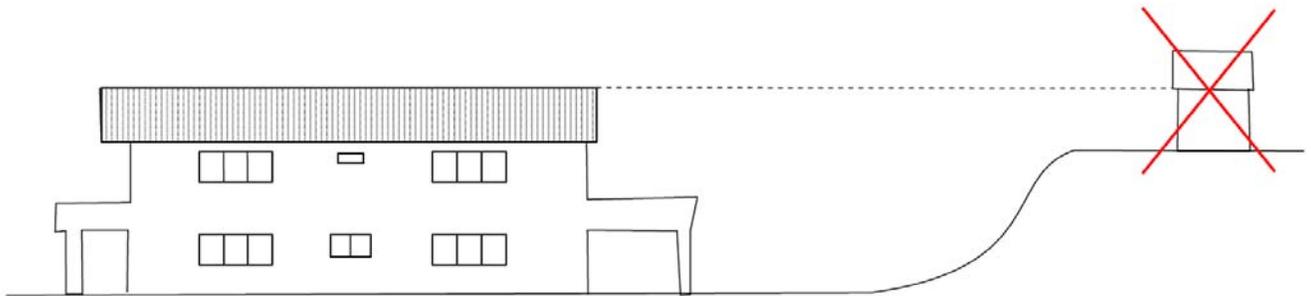
- (A) *Applicability.* Accessory buildings or structures and uses shall be incidental to the principal residential use. They must be detached from the principal building, occupy less floor area, cover less lot area, and have a use that is secondary to the primary structure(s) and use(s) on the property. Accessory buildings or structures include storage sheds, workshops, outdoor barbecues, outdoor fireplaces, and any other structures as determined by the Zoning Administrator. Buildings, structures, and uses may all function as “accessory,” subject to the provisions below.
- (B) *Accessory Uses.* Accessory buildings or structures may be used for home occupations in compliance with Section 154-15.08.
- (C) *Accessory Buildings or Structures.*
 - (1) Accessory buildings or structures that exceed two hundred (200) square feet in area **or** eight (8) feet in height are permitted in residential districts, subject to the following standards:
 - (a) Use. Accessory buildings or structures shall not be used as a dwelling, except where permitted by Zoning District. Plumbing is permitted in accessory buildings for a washing machine only.
 - (b) Setback.
 - 1. Accessory buildings or structures shall be located behind the midpoint of the principal building. The leading edge of such buildings, including overhangs, shall be setback at least three (3) feet from side and rear property lines. An additional one (1) foot setback is required for every additional foot in height above eight (8) feet. This provision is applicable within certain identified zoning districts regardless of setback illustrations on plats *if* the setbacks illustrated on the plat are the same as the standard setbacks for that zoning district. If the setbacks illustrated on the plat are larger than the standard setbacks for that

zoning district, then the platted setbacks take precedence.

2. Accessory buildings in the Agriculture (AG) district shall comply with the setback standards required in the district.
3. Accessory buildings or structures shall comply with the street setback standards required in the applicable zoning district.
4. On a through lot, accessory buildings or structures shall not be located closer to the rear property line than the distance required for the front yard building setback.
5. Accessory buildings or structures shall comply with all applicable building and fire codes.

- (c) Height. The maximum allowable building height shall be fifteen (15) feet or the height of the principal building, whichever is less. On lots with elevation changes, accessory structures shall not be permitted on lot areas where the accessory structure will be higher than the principle structure roofline. See illustration 15-1.

Illustration 15-1



- (d) Area. Accessory buildings or structures shall comply with lot coverage regulations for the applicable zoning district and shall not occupy more than thirty percent (30%) of the area between the principal structure and the rear property line.
- (e) Compatibility. Accessory buildings or structures shall be designed with a logical hierarchy of masses with regard to height, size, and volume; and use construction materials

and colors that are contextually appropriate and compatible with the principal building and surrounding neighborhood.

- (2) Accessory buildings or structures that are between one hundred and twenty-one (121) square feet and two hundred (200) square feet in area, **and** less than eight (8) feet in height are permitted in residential districts, subject to the following standards:
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- (3) Accessory buildings or structures that are one hundred and twenty (120) square feet or less in area **and** less than eight (8) feet in height are permitted in residential districts, subject to the following standards:

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 - 2. Accessory buildings or structures shall comply with the street setback standards required in the applicable zoning district.
 - 3. On a through lot, accessory buildings or structures shall not be located closer to the rear property line than the distance required for the front yard building setback.
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 - (d) Area. Accessory buildings or structures shall comply with lot coverage regulations for the applicable zoning district and shall not occupy more than thirty percent (30%) of the area between the principal structure and the rear property line.
- (D) *Appeals.* An applicant may appeal a decision of the Zoning Administrator regarding the compatibility requirement to the Hearing Officer in accordance with § 154-03.02 (C).

Table 15-1 – Basic Guidelines for Accessory Buildings and Structures.			
Height		Area	Accessory Structure Setback
more than eight (8) feet	<i>OR</i>	more than 200 square feet	three (3) feet + one (1) foot for each foot over eight (8') feet in height
eight (8) feet or less	<i>AND</i>	121-200 square feet	three (3) feet
eight (8) feet or less	<i>AND</i>	0-120 square feet	zero (0) feet
Structures larger than 200 square feet or ten (10) feet in wall height require a building permit. Electrical requires separate permits. Additional building requirements may apply.			

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 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 _____, 2014.

APPROVED:

Douglas J. Nicholls
Mayor

ATTESTED:

Lynda L. Bushong
City Clerk

APPROVED AS TO FORM:

Steven W. Moore
City Attorney