

**ORDINANCE NO. O2023-036**

**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 TO UPDATE THE DEFINITIONS AND ALLOWABLE ZONING DISTRICTS FOR NURSING AND PERSONAL CARE FACILITIES AND RESIDENTIAL CARE HOMES**

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

WHEREAS, the City of Yuma Planning and Zoning Commission held a public hearing on September 25, 2023 in Case No: ZONE-41688-2023 in the manner prescribed by law for the purpose of amending the City of Yuma Zoning Code; and,

WHEREAS, due and proper notice of the public hearing was given in the time, form, substance and manner provided by law, including publication of notice of the hearing in the Yuma Sun on September 1, 2023; and,

WHEREAS, the City Council has considered the recommendation of the Planning and Zoning Commission to approve the zoning code text amendment in Case No: ZONE-41688-2023 and finds that the zoning code text amendment supports 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, Article 1, Section 7 Definitions, Subsection B be amended to insert the bolded text and delete the strike through text:

§154-01.07 Definitions.

(B)

~~NURSING AND PERSONAL CARE FACILITYIES, LARGE.~~ Establishments primarily engaged in providing inpatient nursing and health-related personal care to ~~11~~ **7** or more residents, such as convalescent homes with health care and rest homes with health care. These facilities shall not include any persons whose occupancy would constitute a direct threat to the health or safety of other individuals or would result in substantial physical damage to the property of others. ~~Establishments of this type located within any residential districts shall not be located within 1,320 feet of a child day care services (large), a nursing care facility, large or small or a residential care facility, large or small that are also located within any residential district (SIC 805).~~ **This definition is inclusive of the Assisted Living Center with 7 or more residents and the Adult Foster Care Facility with 5 or more residents as defined by Arizona Revised Statute § 36-401.**

~~NURSING AND PERSONAL CARE FACILITIES, SMALL.~~ Establishments primarily engaged in providing inpatient nursing and health-related personal care to ten or fewer residents,

~~such as convalescent homes with health care and rest homes with health care. These facilities shall not include any persons whose occupancy would constitute a direct threat to the health or safety of other individuals or would result in substantial physical damage to the property of others. Establishments of this type located within any residential districts shall not be located within 1,320 feet of a child day care services (large), a nursing care facility, large or small, or a residential care facility, large or small that are also located within any residential district (SIC 805).~~

~~*RESIDENTIAL CARE FACILITY, LARGE.* Establishments primarily engaged in the provision of residential social and personal care for 11 or more persons with some limits on ability for self-care, such as children, the elderly, but where medical care is not a major element. Included are establishments providing 24-hour year round care for children. These facilities shall not include any persons whose occupancy would constitute a direct threat to the health or safety of other individuals or would result in substantial physical damage to the property of others. Establishments of this type located within any residential districts shall not be located within 1,320 feet of a child day care services, large, a nursing care facility, large or small or a residential care facility, large or small, that are also located within any residential district (SIC 8361).~~

~~*RESIDENTIAL CARE HOME FACILITY, SMALL.* Establishments primarily engaged in the provision of residential-social and personal care in a residential setting for ten 6 or fewer persons with some limits on ability for self-care, such as children, the elderly, but where medical care is not a major element. Included are establishments providing 24-hour year-round care for children. These facilities shall not include any persons whose occupancy would constitute a direct threat to the health or safety of other individuals or would result in substantial physical damage to the property of others. Establishments of this type located within any residential districts shall not be located within 1,320 1,200 feet of a child day care services (large), a nursing care facility, large or small, or a **another** residential care **home** facility, large or small that **is** are also located within any residential district (SIC 8361). **This definition is inclusive of the Group Home and the Nursing-Supported Group Home with six or fewer residents as defined by Arizona Revised Statute § 36-551. This definition is inclusive of the Assisted Living Home with 6 or fewer residents and the Adult Foster Care Home with 4 or fewer residents as defined by Arizona Revised Statute § 36-401.**~~

SECTION 2: Yuma City Code, Title 15, Chapter 154, Article 5, Section 1 Agriculture District, Subsection B Permitted Principal Uses be amended to insert the bolded text and delete the strike through text, and renumber accordingly:

- (12) Residential care **home** facility, small;
- ~~(13) Nursing and personal care, small;~~

SECTION 3: Yuma City Code, Title 15, Chapter 154, Article 5, Section 2 Suburban Ranch District, Subsection C Permitted Principal Uses be amended to insert the bolded text and delete the strike through text, and renumber accordingly:

- (5) Residential care **home** facility, small (SIC 8361);

SECTION 4: Yuma City Code, Title 15, Chapter 154, Article 5, Section 3 Residential Estate

District, Subsection C Permitted Principal Uses be amended to insert the bolded text and delete the strike through text, and renumber accordingly:

- (4) Residential care **home facility, small** (~~SIC 8361~~);

SECTION 5: Yuma City Code, Title 15, Chapter 154, Article 5, Section 4 Low Density Residential District, Subsection C Permitted Principal Uses be amended to insert the bolded text and delete the strike through text, and renumber accordingly:

- (4) Residential care **home facility, small** (~~SIC 8361~~);

SECTION 6: Yuma City Code, Title 15, Chapter 154, Article 5, Section 5 Low Density Single-Family Residential District, Subsection C Permitted Principal Uses be amended to insert the bolded text and renumber accordingly:

- (6) **Residential care home;**

SECTION 7: Yuma City Code, Title 15, Chapter 154, Article 6, Section 1 Residence-Manufactured Housing District, Subsection C Permitted Principal Uses be amended to insert the bolded text and delete the strike through text, and renumber accordingly:

- (5) Residential care **home facility, small**;
- (6) ~~Nursing and personal care, small.~~

SECTION 8: Yuma City Code, Title 15, Chapter 154, Article 6, Section 3 Manufactured Housing Subdivision District, Subsection B Permitted Principal Uses be amended to insert the bolded text and delete the strike through text, and renumber accordingly:

- (5) Residential care **home facility, small; and.**
- (6) ~~Nursing and personal care, small.~~

SECTION 9: Yuma City Code, Title 15, Chapter 154, Article 6, Section 4 Manufactured Housing Park District, Subsection B Permitted Principal Uses be amended to insert the bolded text and delete the strike through text, and renumber accordingly:

- (7) Residential care **home facility, small; and**
- (8) ~~Nursing and personal care, small; and~~

SECTION 10: Yuma City Code, Title 15, Chapter 154, Article 7, Section 1 Medium Density Residential District, Subsection C Permitted Principal Uses be amended to insert the bolded text and delete the strike through text, and renumber accordingly:

- (8) Residential care **home facility, small** (~~SIC 8361~~);

SECTION 11: Yuma City Code, Title 15, Chapter 154, Article 7, Section 2 Medium Density Single-Family Residential District, Subsection C Permitted Principal Uses be amended to insert

the bolded text, and renumber accordingly:

**(4) Residential care home;**

SECTION 12: Yuma City Code, Title 15, Chapter 154, Article 7, Section 3 High Density Residential District, Subsection C Permitted Principal Uses be amended to insert the bolded text and delete the strike through text, and renumber accordingly:

(5) Residential care **home** ~~facility, small (SIC 8361);~~

SECTION 13: Yuma City Code, Title 15, Chapter 154, Article 8, Section 1 Transitional District, Subsection B Permitted Principal Uses be amended to insert the bolded text and delete the strike through text, and renumber accordingly:

(8) Residential care **home** ~~facility, small (SIC 8361);~~

~~(11) Nursing and personal care, small;~~

SECTION 14: Yuma City Code, Title 15, Chapter 154, Article 8, Section 1 Transitional District, Subsection D Conditional Uses be amended to insert the bolded text and delete the strike through text, and renumber accordingly:

~~(8) Residential care facility, large;~~

(11) Nursing and personal care **facility**, ~~large;~~

SECTION 15: Yuma City Code, Title 15, Chapter 154, Article 8, Section 3 Limited Commercial District, Subsection B Permitted Principal Uses be amended to insert the bolded text and delete the strike through text, and renumber accordingly:

(12) Residential care **home** ~~facility, small;~~

~~(13) Residential care facility, large;~~

(17) Nursing and personal care **facility**, ~~small;~~

SECTION 16: Yuma City Code, Title 15, Chapter 154, Article 8, Section 3 Limited Commercial District, Subsection E Conditional Uses be amended to delete the strike through text, and renumber accordingly:

~~(8) Nursing and personal care, large;~~

SECTION 17: Yuma City Code, Title 15, Chapter 154, Article 8, Section 4 General Commercial District, Subsection B Permitted Principal Uses be amended to insert the bolded text and delete the strike through text, and renumber accordingly:

(13) Residential care **home** ~~facility, small;~~

~~(14) Residential care facility, large;~~

~~(18) Nursing and personal care, small;~~

(19) Nursing and personal care **facility**, ~~large;~~

SECTION 18: Yuma City Code, Title 15, Chapter 154, Article 10, Section 1 Old Town District, Subsection C Permitted Principal Uses be amended to insert the bolded text and delete the strike through text, and renumber accordingly:

- (47) Residential care **home** (~~SIC 836~~);
- (48) **Nursing and personal care facility**;

SECTION 19: Yuma City Code, Title 15, Chapter 154, Article 16, Section 7 Parking Spaces Required be amended to insert the bolded text and delete the strike through text, and renumber accordingly:

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

SECTION 20: It shall be unlawful for any person, firm or corporation to violate, or cause the violation of, any provision of this ordinance. Any person, firm or corporation violating any of the provisions in this ordinance shall be guilty of a class 1 misdemeanor, and upon conviction thereof shall be punished by a fine not to exceed \$1,000 or by imprisonment for not more than ten days or both fine and imprisonment. Each separate day or part thereof during which any violation of said sections occurs or continues shall be deemed to constitute a separate offense, and upon conviction thereof shall be punishable as herein provided.

Adopted this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

APPROVED:

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

ATTESTED:

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Lynda L. Bushong  
City Clerk

APPROVED AS TO FORM:

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Richard W. Files  
City Attorney