



**STAFF REPORT TO THE PLANNING AND ZONING COMMISSION
DEPARTMENT OF PLANNING AND NEIGHBORHOOD SERVICES
COMMUNITY PLANNING DIVISION
CASE TYPE – TEXT AMENDMENT
CASE PLANNER:**

Hearing Date October 28, 2024

Case Number: ZONE-43152-2024

Project Description: This is a request by the City of Yuma for a Zoning Code Text Amendment to amend Title 15, Chapter 154, Article 3 to address timelines for the review of zoning, variance and conditional use permit applications.

Staff recommendation: Staff recommends **APPROVAL** of the text amendment to address timelines for the review of zoning, variance and conditional use permit applications.

Suggested Motion: Move to **APPROVE** the text amendment ZONE-43152-2014 as presented in the staff report.

Effect of the Approval: By approving the text amendment, the Planning and Zoning Commission is recommending approval to City Council to address timelines for the review of zoning, variance and conditional use permit applications.

Staff Analysis: The purpose of this text amendment is to align the City of Yuma zoning code with recent State of Arizona statute changes for the review of zoning map amendment applications. Recent changes in statute with regard to the time allowed to review an application for completeness has prompted staff to review the City code and propose the attached text amendment.

As required by Senate Bill 1162, the proposed amendment establishes a 30-day timeline for staff review of applications for completeness. And further requires a written response from the City identifying any deficiencies in the application within that 30-days. The legislature implemented this change to require cities and counties to review applications in a timely process. This appears to be an issue in other parts of Arizona but has never been an issue within the City of Yuma. Staff review of applications typically happens within 1 to 2 days and this legislative change is not anticipated to have any effect on current City processes. Senate Bill 1162 also provides direction on allowing time extensions for zoning map amendments.

Senate Bill 1162 also adds clarification as to which properties would be included in a filed protest for a zoning application. Currently if the owners of 20% or more of those located within the requested change or within 150 feet of a requested change file a protest in writing this will prompt the requirement that a three-fourths vote of the City Council will be necessary for a zoning change request to be successful. The statute change is to exclude government properties from the 20% requirement. This legislative change will likely make it easier for private properties owners to initiate a protest and prompt the three-fourths vote of City Council.

Staff originally intended to expand the 30-day review timeline to include variance and conditional use permit requests to be consistent in how we review applications and provide responses to applicants. But at this time staff has removed that

portion of the text amendment pending an evaluation of how the new process will have an effect on case schedules. Application review for other case types can be addressed at a later date.

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

Yes The City of Yuma 2022 General Plan reflects the Visions and Strategic Plan of the City Council for the City. This text amendment supports a Strategic Outcome to be Respected and Responsible as a trusted steward of City Resources and to be relied upon to provide premier services and regional leadership.

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

Yes This amendment supports the Zoning ordinance and brings the text into alignment with State statute.

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

No

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

No

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

There are no potential negative impacts identified with the proposed text amendment.

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?

Yes This amendment supports City Council's commitment to provide premier services to the Yuma community.

External Agency Comments: None Received.

Neighborhood Meeting Comments: No Meeting Required.

Attachments:

A	B
Draft Text	Agency Notification

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Date: 10/17/24

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Approved By: *Alyssa Linville*

Date: 10/18/24

Alyssa Linville

Director, Planning and Neighborhood Services

ATTACHMENT A
DRAFT TEXT

SECTION 1: That the Yuma City Code, Title 15, Chapter 154, Article 3, Section 3 Zoning Amendments Paragraph (B) be amended to insert the bolded text and delete the strike through text:

(B) *Application for amendment of zoning map.* The **zoning** application shall be made on the form provided and shall be accompanied by a nonreturnable filing fee in accordance with the fee schedule adopted by City Ordinance No. 1943, and successors. Said application shall bear the property owners signatures and addresses, the legal description and land area of each property included in the application, the total land area represented by the application, a map of the area and other attachments as noted on the application ~~and a list of the names and addresses of all owners of property within a radius of 300 feet of the exterior boundaries of the property being the subject of the application, using for this purpose the name and address shown on the county assessment roll.~~

- (1) **Administrative completeness review time frame.** The City shall determine whether the application is administratively complete within thirty (30) days after receiving the application. If the application is deemed administratively incomplete, the City will provide the applicant with a written notice that includes a comprehensive list of the specific deficiencies. Upon issuance of the written notice, the administrative completeness review time frame and overall time frame contained in this Section are suspended until the City receives the resubmitted application. The City shall have fifteen (15) days to review the resubmitted application and determine whether every deficiency has been resolved for administrative completeness.
- (2) **Approval or Denial of Zoning Applications.** After determining that a zoning application is administratively complete, the City Council of the City of Yuma shall approve or deny the application within one hundred eighty (180) days. The City may extend the time frame to approve or deny beyond one hundred eighty (180) days as follows:
 - a. Staff may grant a one-time extension of not more than thirty (30) days for extenuating circumstances; or
 - b. Staff may grant extensions in thirty (30) days increments at the request of the applicant.
- (3) **Exceptions.** This Section does not apply to:
 - a. Land that is designated as a district of historical significance pursuant to ARS § 9-462.01(a); and
 - b. An area that is designated as historic on the national register of historic places;
 - c. Land that is already zoned as a planned area development (PAD).

SECTION 2: That the Yuma City Code, Title 15, Chapter 154, Article 3, Section 3 Zoning Amendments Paragraph (J) Sub-paragraph (1) be amended to insert the bolded text and delete the strike through text:

- (1) If the owners of 20% or more, **excluding government property**, either of the area of the lots included in a proposed change, or of those immediately adjacent in the rear or any side thereof extending 150 feet therefrom, or of those directly opposite thereto extending 150 feet from the street frontage of the opposite lots, file a protest in writing against a proposed amendment, it shall not become effective except by the favorable vote of three-fourths of all members of the City Council.

**ATTACHMENT B
AGENCY NOTIFICATION**

- Legal Ad Published: The Sun 09/20/24
- 34 Commenting/Reviewing Agencies noticed: 08/27/24
- Neighborhood Meeting: N/A
- Hearing Date: 10/14/24
- Comments due: 09/09/24

External List (Comments)	Response Received	Date Received	“No Comment”	Written Comments	Comments Attached
Yuma County Airport Authority	NR				
Yuma County Engineering	NR				
Yuma County Public Works	NR				
Yuma County Water Users’ Assoc.	Yes	9/3/24	X		
Yuma County Planning & Zoning	NR				
Yuma County Assessor	NR				
Arizona Public Service	NR				
Time Warner Cable	NR				
Southwest Gas	NR				
Qwest Communications	NR				
Bureau of Land Management	NR				
YUHS District #70	NR				
Yuma Elem. School District #1	NR				
Crane School District #13	NR				
A.D.O.T.	NR				
Yuma Irrigation District	NR				
Arizona Game and Fish	NR				
United States Postal Service	NR				
Yuma Metropolitan Planning Org.	NR				
El Paso Natural Gas Co.	NR				
Western Area Power Administration	Yes	8/29/24	X		
MCAS - Yuma	Yes	8/30/24	X		
City of Yuma Internal List (Conditions)	Response Received	Date Received	“No Conditions”	Written Conditions	Comments Attached
Police	NR				
Parks & Recreation	NR				
Development Engineering	NR				
Fire	Yes	8/29/24	X		
Building Safety	NR				
City Engineer	NR				
Traffic Engineer	NR				
MCAS / C P & L Office	NR				
Utilities	NR				
Public Works	NR				
Streets	NR				

Neighborhood Meeting	Comments Available
None Required	N/A