

ORDINANCE NO. O2025-051

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF YUMA, ARIZONA, AMENDING CHAPTER 154 OF THE YUMA CITY CODE TO COMPLY WITH STATE STATUTE WITH RESPECT TO ADMINISTRATIVE DESIGN REVIEW AND APPROVAL AND ALLOW DESIGN AND HISTORIC REVIEW COMMISSIONERS TO PARTICIPATE BY VOICE OR VIDEO; AND DECLARING AN EMERGENCY

WHEREAS, House Bill 2447, approved by the legislature and signed by the Governor on March 31, 2025, requires by ordinance that cities and towns authorize administrative personnel to review and approve design review plans; and,

WHEREAS, House Bill 2447 has an effective date of December 31, 2025, and in order to comply with that effective date, this ordinance shall be enacted as an emergency and shall be in effect upon adoption on December 17, 2025; and,

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 October 27, 2025 in Case No: ZONE-44497-2025 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 October 3, 2025; 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-44497-2025 and the probable impact on the cost to construct housing for sale or rent that may occur as a result of this amendment, and finds that the recommendation complies with and supports the goals and objectives of the Yuma General Plan, as amended.

NOW THEREFORE, BE IT ORDAINED by the City Council of the City of Yuma as follows:

SECTION 1: Yuma City Code, Title 15, Chapter 154, Article 2, Section 3 Zoning Administrator, is amended to insert the bolded text:

§ 154-02.03 Zoning Administrator.

(A) *Establishment.* Pursuant to A.R.S. § 9-462.05 the Planning Director, also known as Director of Planning, or an authorized deputy acting under his or her direction, shall be the Zoning Administrator.

(B) *Duties.* The Zoning Administrator, or his or her authorized deputy shall be charged with responsibility for enforcement of the zoning ordinance:

(1) Supply information about, and provide interpretations of, this chapter to the public, city departments and other agencies;

(2) Provide advice and assistance to all applicants for zoning actions;

(3) Accomplish all administrative actions required by this chapter; including receiving applications, giving notice of hearings, preparation of reports and processing appeals, **completing design review and approval;**

(4) Enforce the provisions of this chapter pertaining to the erection, construction, moving, reconstruction, conversion, alteration or addition to any building or structure and the use of any land, building or premise;

(5) Inspect buildings, structures and lands as may be necessary or desirable for enforcement of this chapter;

(6) Determine other permitted uses consistent with the purpose of each Zoning District; and

(7) Notwithstanding the procedures set forth in § 154-03.04(D)(1)(a) through (D)(1)(c) for consideration of a variance application, the Zoning Administrator may approve a deviation in development standards and/or dimensional criteria upon the making of the findings required in § 154-03.04(D)(1)(a) through (D)(1)(d), when the following conditions are satisfied:

(a) The application requests a deviation from code not exceeding a 10% reduction or increase of a development standard and/or dimension required by the zoning code; and

(b) The Zoning Administrator determines that the request complies with the four findings of fact required by § 154-03.04(D)(1)(a) through (D)(1)(d).

SECTION 2: Yuma City Code, Title 15, Chapter 154, Article 2, Section 4 Design and Historic Review Commission (DHRC), Subsection (D), is amended to insert the bolded text and delete the strike through text:

(D) *Duties.* The Commission's duties are outlined as follows:

(1) To promote the educational, cultural, economic and general welfare of the community and to ensure the harmonious growth and development of the municipality by encouraging the preservation of historic places and structures, and advancing aesthetic and functionally well-designed projects;

(2) To designate sites and districts of historical significances;

(3) To provide regulatory oversight regarding exterior modifications to all historic structures or sites that are listed or eligible for listing on the National Register of Historic Places and have received the city's Historic (H) District Zoning Overlay, as well as projects within the Aesthetic Overlay District;

(4) ~~To review all project design plans within an Aesthetic Overlay District. Such plans shall be reviewed for compliance with the Aesthetic Overlay Design Guidelines;~~ **Hear and decide appeals of the City Zoning Administrator's decisions on project design plans within the Aesthetic Overlay District;**

(5) To provide regulatory oversight regarding the exterior appearance of any structure (new construction, renovation or alteration) within a recognized Historic District ~~or within the Aesthetic Overlay~~ and areas with specific design requirements;

(6) The Commission shall decide whether a permit should be issued for any demolition, removal, exterior renovation, addition or any other exterior alteration of any historic structure, historic site or any property located within an historic district. The Commission's review of applications for new construction shall be limited to building size, scale, exterior elevation, design, color and appearance, to ensure compatibility with the historic character of the property, neighborhood or environment. When the local Commission governing the historic district denies an application or request, the applicant may not legally proceed with any exterior work, including demolishing or moving a structure, unless the Commission's decision is appealed and is set aside or modified by a superior authority;

~~—(7) Review and approval of all private and commercially oriented development of lands located within the RO Zoning District;~~

- ~~— (8) Review and approval of all exterior lighting in the Bed and Breakfast Overlay District;~~
(7) (9) Hear and decide appeals of the City Zoning Administrator's decisions on signage and building requirements within the Historic Park Zoning District; and
(8) (10) The Commission shall keep the Mayor and Council apprised in all matters concerning historic sites and districts. In this regard it:
- (a) May recommend to the Mayor and Council acquisition by the city of structures or easements for maintenance or repair of structures for their preservation where private preservation is not feasible; and
 - (b) May initiate and conduct detailed studies and surveys of buildings, in conjunction with the Rio Colorado Chapter of the Arizona Historical Society and interested others, the intention of assessing potential of such buildings, structures or areas for designation as historic sites or districts.

SECTION 3: Yuma City Code, Title 15, Chapter 154, Article 3, Section 8 Design Review Procedure, Subsections (A) and (B), are amended to insert the bolded text and delete the strike through text:

- (A) *Submittal and approval.* The project design plan, for any project within an Aesthetic Overlay District, shall be submitted and approved by the ~~Design and Historic Review Commission (DHRC)~~ **Zoning Administrator** prior to the issuance of any construction or development permits.
- (B) *Fee.* The project design plan shall be accompanied by the appropriate fee and shall provide adequate information for the ~~Design and Historic Review Commission (DHRC)~~ **Zoning Administrator** to determine whether the proposed project will meet the ordinance requirements of the district.

SECTION 4: Yuma City Code, Title 15, Chapter 154, Article 13, Section 1 Recreation and Open Space District (RO), Subsection (E), is amended to delete the strike through text:

- ~~— (12) All private and commercially oriented development of lands located within the RO Zoning District shall be subject to the review and approval of the Design and Historic Review Commission (DHRC).~~

SECTION 5: Yuma City Code, Title 15, Chapter 154, Article 14, Section 1 Aesthetic Overlay District (AO), Subsection (C), is amended to insert the bolded text and delete the strike through text:

- (C) *Design review procedure.* The project design plan shall be submitted and approved by the ~~Design and Historic Review Commission (DHRC)~~ **Zoning Administrator** prior to the issuance of any construction or development permits (see § 154-03.08).

SECTION 6: Yuma City Code, Title 15, Chapter 154, Article 14, Section 1 Aesthetic Overlay District (AO), Subsection (F), is amended to insert the bolded text and delete the strike through text:

- (F) *Building permits based upon approved project design.* Within one year of approval of a project design by the ~~Design and Historic Review Commission (DHRC)~~ **Zoning Administrator**, a building permit may be granted for a site based upon the project design approved by the ~~Design and Historic Review Commission (DHRC)~~ **Zoning Administrator**. If more than one year has elapsed since approval of the project design for that location, such design plan shall be resubmitted to the ~~Design and Historic Review Commission (DHRC)~~ **Zoning Administrator** to accept or modify the design previously approved, prior to issuance of a building permit.

SECTION 7: Yuma City Code, Title 15, Chapter 154, Article 14, Section 1 Aesthetic Overlay District (AO), Subsection (G), is amended to insert the bolded text and delete the strike through text:

(G) *Amendments to approved project design.* Any substantial amendment or modification to an approved project design shall be reviewed by the ~~Design and Historic Review Commission (DHRC)~~ **Zoning Administrator**.

SECTION 8: Yuma City Code, Title 15, Chapter 154, Article 14, Section 1 Aesthetic Overlay District (AO), Subsection (H), is amended to insert the bolded text and delete the strike through text:

(H) *Minor project design plan changes within the Aesthetic Overlay.*

(1) The Zoning Administrator, or his or her designee, shall have the authority to review modifications to an approved project design only for minor changes that do not substantially change the visual appearance of the project as **previously** approved by the ~~Design and Historic Review Commission~~. ~~The Design and Historic Review Commission will be advised of any administrative decisions pursuant to this section.~~

SECTION 9: Yuma City Code, Title 15, Chapter 154, Article 14, Section 3 Bed and Breakfast Overlay District (BB), Subsection (B)(9), is amended to insert the bolded text and delete the strike through text:

(9) *Exterior lighting.* Any exterior lighting shall be residential in nature and character. Lighting shall be located so as to minimize off-site illumination and direct the light away from any public or private street right-of-way or from any residential district or use. All exterior lighting shall be approved by the ~~Design and Historic Review Commission (DHRC)~~ **Zoning Administrator**. Lighting shall be in accordance with Article 18 of this chapter of the City Code. No color lighting shall be permitted.

SECTION 10: Yuma City Code, Title 15, Chapter 154, Article 14, Section 9 Infill Overlay District (IO), Subsection (F), is amended to delete the strike through text:

(F) *Design review procedures.* Infill Overlay District development standards shall be incorporated into all project plans submitted to the city for which a building permit is required. The Zoning Administrator, or his or her designee, shall review all Infill Overlay District development standards incorporated in such project plans to ensure compliance with the intent and spirit of the district. Any property located within a Historic District ~~or Aesthetic Overlay District~~ will require review and approval by the Design and Historic Review Commission (DHRC) prior to the issuance of any construction or building permits.

SECTION 11: Yuma City Code, Title 15, Chapter 154, Article 19 Personal Wireless Communications, Section 3, Subsection (E), is amended to insert the bolded text and delete the strike through text:

(E) No personal wireless communication facilities are permitted on any building within an Aesthetic Overlay (AO) Designation unless such personal wireless communication facilities are approved through the ~~Design Review Commission~~ **Zoning Administrator**.

SECTION 12: Yuma City Code, Title 15, Chapter 154, Article 19 Personal Wireless Communications, Section 9, Subsection (G)(2), is amended to insert the bolded text and delete the strike through text:

(2) No personal wireless communication facilities are permitted on public highways facing any building within an Aesthetic Overlay (AO) Designation unless such personal wireless communication facilities are approved through the ~~Design and Historic Review Commission (DHRC)~~ **Zoning Administrator**.

SECTION 13: Yuma City Code, Title 15, Chapter 154, Article 2, Section 4 Design and Historic Review Commission (DHRC), is amended to insert the bolded text:

(F) *Voice or video appearance.* A Design and Historic Review Commissioner shall have the opportunity to participate by voice or video during a regularly scheduled meeting subject to the following rules and regulations:

(1) Voice or video participation shall mean the participation of the Design and Historic Review Commissioner(s) at Design and Historic Review Commission meetings by voice or video technology where the Design and Historic Review Commissioner is not physically present at the Design and Historic Review Commission meeting.

(2) Voice or video participation shall only apply to Design and Historic Review Commission meetings held at Yuma City Hall, Yuma, Arizona.

(3) A Design and Historic Review Commissioner wishing to participate through voice or video technology shall contact the Director of Community Development regarding the need to participate from an off-site location. Notice shall be provided no later than two business days prior to the meeting to allow sufficient time to post the information on the agenda and to prepare the meeting room for such voice or video participation.

(4) No more than two Design and Historic Review Commissioners may participate by voice or video technology at any meeting. Unless approved by the Design and Historic Review Commission, no Commissioner may participate by video or voice technology more than twice in any calendar year.

(5) When a Design and Historic Review Commissioner is participating by using voice or video technology at a meeting:

(a) The meeting facilities shall be arranged to provide the capability of the public audience to be able to hear such participating Commissioner. Facilities shall also be provided whereby the participating Commissioner can hear any comments made by other members of the Design and Historic Review Commission, by City staff and by the audience in attendance at the meeting.

(b) Communications shall be initiated with the Commissioner prior to the beginning of the Design and Historic Review Commission meeting. The participating Commissioner will identify him or herself during roll call and state that he/she is attending the meeting through voice or video participation.

(6) The meeting agenda shall reflect that a Design and Historic Review Commissioner will be participating through voice or video technology and voting procedures will remain as required by the City of Yuma Code (§ 154-02.04).

SECTION 14: 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.

SECTION 15: The immediate operation of the provisions of this Ordinance is necessary to meet the requirements of House Bill 2447 as adopted by the Legislature and signed by the Governor, requiring compliance by December 31, 2025, and, therefore, an emergency is declared to exist. This Ordinance is enacted as an emergency and shall be in full force and effect immediately upon its passage by the City Council, as required by law, and it is hereby exempt from the referendum provisions of the Constitution and laws of the State of Arizona and the Charter of the City.

Adopted this _____ day of _____, 2025.

APPROVED:

Douglas J. Nicholls
Mayor

ATTESTED:

Lynda L. Bushong
City Clerk

APPROVED AS TO FORM:

Richard W. Files
City Attorney