



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

Hearing Date September 25, 2023

Case Number: ZONE-41688-2023

Project Description: This is a request by the City of Yuma for a Zoning Code Text Amendment of Title 15, Chapter 154 to update the definitions and allowable zoning districts for Nursing and Personal Care Facilities and Residential Care Homes.

Staff recommendation: Staff recommends **APPROVAL** of the text amendment to update the definitions and allowable zoning districts for Nursing and Personal Care Facilities and Residential Care Homes.

Suggested Motion: Move to **APPROVE** the text amendment ZONE-41688-2023 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 for the request to update the definitions and allowable zoning districts for Nursing and Personal Care Facilities and Residential Care Homes.

Staff Analysis: The purpose of this text amendment is to align the City of Yuma zoning code with the State of Arizona statutes for residential care facilities. Recent changes in statute with regard to types of residential care facilities and requirements to address the residential component in care homes have prompted staff to review the City code and propose the attached text amendment.

The proposed amendment simplifies the definitions of residential care into two categories rather than four. Currently the zoning code differentiates the facilities by the level of medical care and the number of residents. Since all residential care facilities have some level of medically necessary care, from the minor, such as monitoring medications, to the significant, 24-hour medical care, it is difficult to differentiate on an individual basis. The text amendment attempts to address this issue by identifying only two categories based on the number of persons residing in the facility. The number of persons generally parallels state statute for the type of facility.

A Residential Care Home would typically have 6 or less residents and is intended to provide a family type environment in a residential setting. A Residential Care Home would be a Permitted Principal Use in any zoning district that allows single-family homes. The zoning code currently allows “Residential Care Facility, Small” in the residential and commercial districts and this amendment primarily only changes the name of the type of facility from “Residential Care Facility, Small” to “Residential Care Home”. Also, the R-1-5 and R-2-5 zoning districts are being amended to include this use as a Permitted Principal Use.

A Nursing and Personal Care Facility would typically have 7 or more residents in a more structured setting. This type of facility would be a Permitted Principal Use or Conditional Use in the City’s commercial districts. The zoning code currently allows

“Nursing and Personal Care Facilities, Large” in the commercial districts and this amendment primarily only changes the name of the type of facility from “Nursing and Personal Care Facilities, Large” to “Nursing and Personal Care Facility”. Also, the Old Town (OT) zoning district is being amended to include this use as a Permitted Principal Use.

In another aspect, spacing of residential care facilities, the proposed text amendment is intended to align with statute. Currently the City zoning code requires a separation of 1,320 feet between facilities but State statute only requires a separation of 1,200 feet. This text amendment will align the distance requirement. The purpose of the distance requirement is to ensure that facilities are able to maintain the residential character of where they are placed. If too many facilities are located in proximity than that neighborhood could lose the residential, family type setting that is intended to be a benefit to the residents of the facility.

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

Yes The City of Yuma 2022 General Plan Housing chapter Goal 1.0 specifically addresses the need to provide safe and affordable housing with a targeted objective and policy to encourage a variety of housing types and support of State and Federal fair housing laws.

Goal 1.0: Encourage the provision of safe, decent, sanitary, and affordable housing for all residents.

Objective 1.3: Encourage a variety of housing types to meet all socio-economic segments of the population, considering both full time and seasonal residents.

Policy 1.3.3: *The City shall support State and Federal fair housing laws to ensure equal housing opportunities to all regardless of race, ethnicity, color, national origin, religion, sex/gender, disability, or familial status.*

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?

Yes This amendment expands the zoning districts where a Residential Care Home and a Nursing and Personal Care Facility may be located.

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

Yes This amendment reduces the spacing between Residential Care Homes to 1,200 feet in alignment with State statute.

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 support State and Federal Fair Housing laws.

Public Comments Received: None Received

External Agency Comments: See Attachment C

Neighborhood Meeting Comments: No Meeting Required

Attachments:

A	B
Draft Text	Agency Notification

Prepared By: *Jennifer L. Albers* **Date:** *8/28/23*
Jennifer L. Albers *Jennifer.Albers@YumaAZ.gov* (928) 373-5180
Assistant Director of Planning

Approved By: *Alyssa Linville* **Date:** *09/05/2023*
Alyssa Linville
Director of Planning and Neighborhood Service

**ATTACHMENT A
DRAFT TEXT**

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 8364)~~;

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 8364)~~;

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 8364)~~;

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 8364)~~;

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 8364)~~;

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 8364)~~;
- ~~(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.

**ATTACHMENT B
AGENCY NOTIFICATION**

- Legal Ad Published: The Sun 09/01/23
- 34 Commenting/Reviewing Agencies noticed: 08/21/23
- Neighborhood Meeting: N/A
- Hearing Date: 09/25/23
- Comments due: 08/21/23

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	8/11/23	X		
Yuma County Planning & Zoning	Yes	8/15/23	X		
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	8/14/23	X		
Yuma Proving Ground	Yes	8/10/23	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	8/15/23	X		
Building Safety	NR				
City Engineer	NR				
Traffic Engineer	NR				
MCAS / C P & L Office	Yes	8/14/23	X		
Utilities	NR				
Public Works	NR				
Streets	NR				

Neighborhood Meeting	Comments Available
None Required	N/A

PUBLIC COMMENTS RECEIVED: None Received