

**ORDINANCE NO. O2018-031**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF YUMA, ARIZONA, REFERENCING CHAPTER 154 OF THE YUMA CITY CODE, REZONING CERTAIN PROPERTY LOCATED IN THE HEAVY INDUSTRIAL/INFILL OVERLAY (H-I/IO) DISTRICT TO THE LOW DENSITY SINGLE-FAMILY RESIDENTIAL/INFILL OVERLAY (R-1-5/IO) DISTRICT AND AMENDING THE ZONING MAP TO CONFORM WITH THE REZONING**

WHEREAS, the City of Yuma Planning and Zoning Commission held a public hearing on June 11, 2018 in Zoning Case no: ZONE-21751-2018 in the manner prescribed by law for the purpose of rezoning two parcels of real property hereafter described to the Low Density Single-Family Residential/Infill Overlay (R-1-5/IO) District as provided in Chapter 154 of the Yuma City 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 May 18, 2018; and,

WHEREAS, the City Council has considered the recommendation of the Planning and Zoning Commission to approve the rezoning in Case No: ZONE-21751-2018 and finds that the recommendation complies with and conforms to 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: That the following described real property, depicted in Exhibit A, attached:

Parcel 1:

Lot 1 and Lot 2, Block 6, Timmon's Addition, according to Book 1 of Plats, page 12, records of Yuma County, Arizona; together with the South 5 feet of that portion of the abandoned alley as set forth in City of Yuma Ordinance No. 1914, in Docket 1157, page 593, records of Yuma County, Arizona; and

Parcel 2:

Lot 11 and Lot 12, Block 6, Timmon's Addition, according to Book 1 of Plats, page 12, records of Yuma County, Arizona; together with the North 5 feet of that portion of the abandoned alley as set forth in City of Yuma Ordinance No. 1914, in Docket 1157, page 593, records of Yuma County, Arizona.

The above described area is 23,315 square feet or 0.53 acres more or less,

shall be placed in the Low Density Single-Family Residential/Infill Overlay (R-1-5/IO) District, as defined by Chapter 154 of the Yuma City Code as amended; that upon this Ordinance becoming final, the described real property shall be subject to all rules, regulations and requirements of Chapter 154 of the Yuma City Code, as amended, pertaining to the Low Density Single-Family Residential/Infill Overlay (R-1-5/IO) District, and that the zoning map adopted under Chapter 154 of the Yuma City Code, as amended, is ordered to be changed and amended so as to show that the real property described in this Ordinance will be located within the Low Density Single-Family Residential/Infill Overlay (R-1-5/IO) District.

SECTION 2: That the following condition(s) must be met and/or completed in order for the zoning amendment to be final:

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 prior to the issuance of any building permit, Certificate of Occupancy, or City of Yuma Business License for this property.
3. The Owner shall submit to the City of Yuma, for recordation, a signed and notarized Avigation Easement on the property acknowledging potential noise and overflight of aircraft from both daily and special operations of the Marine Corps Air Station and the Yuma International Airport.
4. The Owner will dedicate to the City of Yuma via Warranty Deed or plat, a corner site triangle with 21 foot long legs at the Northwest corner of the property located adjacent to 13<sup>th</sup> Avenue & 8<sup>th</sup> Place.
5. The Owner will dedicate to the City of Yuma via Warranty Deed or plat, a corner site triangle with 21 foot long legs at the Southwest corner of the property adjacent to 13<sup>th</sup> Avenue & 9<sup>th</sup> Street.
6. The Owner will dedicate to the City of Yuma via easement or plat, a 1 foot non-access easement over the corner triangle locations per City of Yuma Construction Standard 2-096.
7. The Owner will dedicate to the City of Yuma via easement or plat, a new sewer easement totaling 20 feet in width centered along the now common South property line of Lots 1 and 2, and the North property line of Lots 11 and 12, all in Block 6, Timmon's Addition, recorded in Book 1 of Plats, Page 12. A smaller 10 foot wide alley had been abandoned, and a 10 foot wide easement previously retained under City Ordinance 1914, recorded in Docket 1157, Page 593, Yuma County Records.
8. The Owner/Developer will notify the City of Yuma Utilities Department, in writing, a minimum of 90 days prior to the start of any housing construction on the

two subject lots, allowing time to evaluate the development's impact to servicing the existing sanitary sewer manhole. This time frame will allow City crews to determine the extent of the sanitary sewer manhole repairs needed, and allow maintenance/replacement while the manhole is still accessible and not impacted by other construction activities on the property. Address notification to:

Utilities Director, City of Yuma Utilities Department  
155 W. 14<sup>th</sup> Street  
Yuma, AZ 85364

9. The Owner shall submit to the City of Yuma, for recordation, a signed and notarized Noise Disclosure Statement on the property acknowledging, accepting, and recognizing the potential for noise related to the adjacent industrial activities and uses.
10. Each of the conditions listed above shall be completed within two (2) years of the effective date of the rezoning ordinance or prior to the issuance of a Building Permit, Certificate of Occupancy or City of Yuma Business License for this site, whichever occurs first. If the conditions of approval are not completed within the above timeframe then the rezone shall be subject to ARS § 9-462.01.

SECTION 3: With the exception of Condition 2, each of the conditions listed above shall be completed within one (1) year of the effective date of the rezoning ordinance or prior to the issuance of a building permit or business license for this site, whichever occurs first. If the conditions of approval are not completed within the above timeframe then the rezone shall be subject to ARS § 9-462.01.

Adopted this \_\_\_\_\_ day of \_\_\_\_\_, 2018.

APPROVED:

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

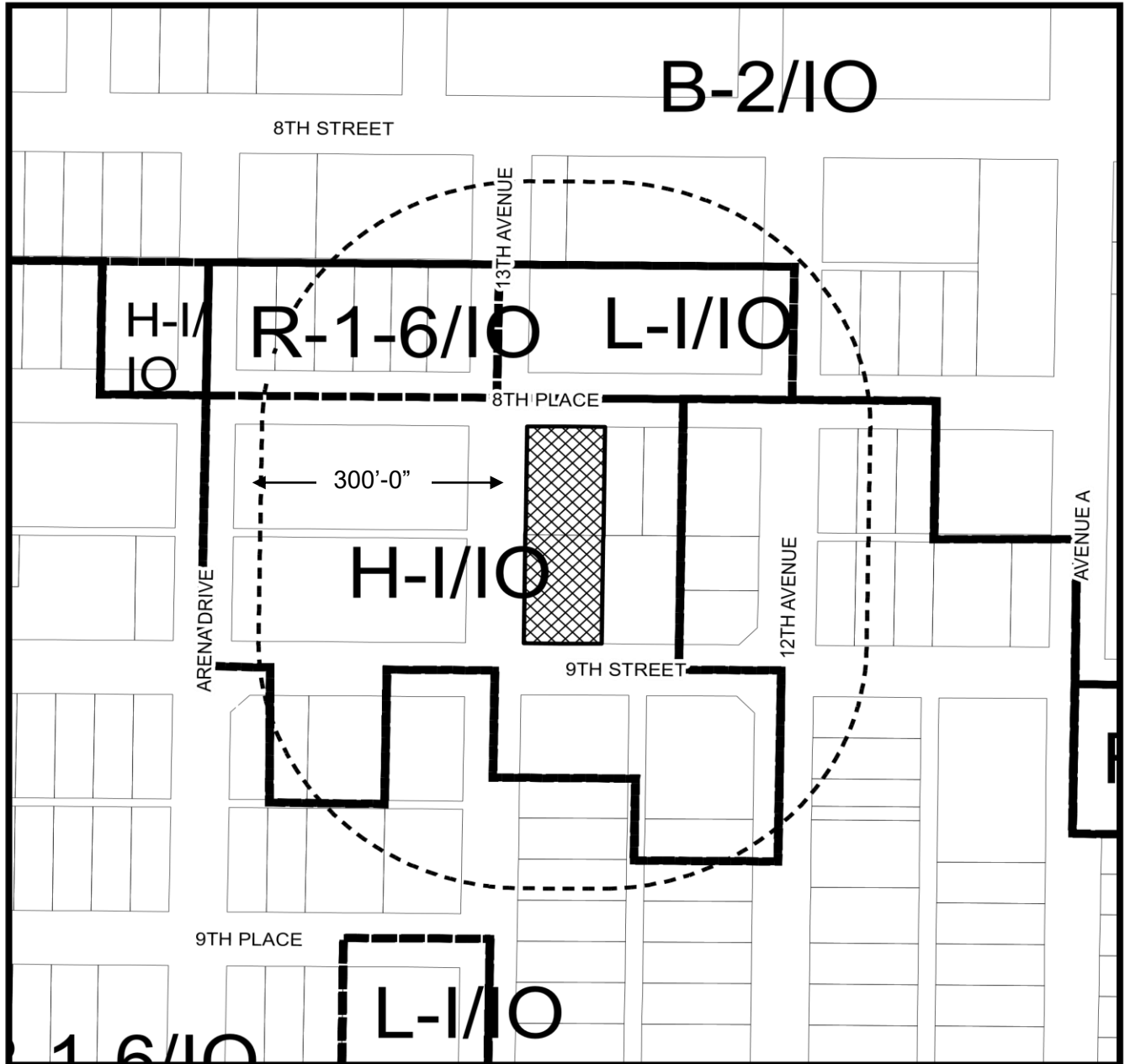
ATTESTED:

\_\_\_\_\_  
Lynda L. Bushong  
City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
Richard W. Files  
City Attorney

# Exhibit A



## LOCATION MAP



LOCATION OF SUBJECT PROPERTY



Prepared by: KB

Checked by:



City of Yuma  
Information Technology Services  
Enterprise GIS

Date: 04-13-18

Revised:

Revised:

Case #:

ZONE-021751-2018