

**ORDINANCE NO. O2018-002**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF YUMA, ARIZONA, AMENDING CHAPTER 154 OF THE YUMA CITY CODE, REZONING CERTAIN PROPERTY LOCATED IN THE AGRICULTURE (AG) DISTRICT TO THE LIGHT INDUSTRIAL (L-I) 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 November 27, 2017 in Zoning Case no: ZONE-19718-2017 in the manner prescribed by law for the purpose of rezoning one parcel of real property hereafter described to the Light Industrial (L-I) 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 November 3, 2017; and,

WHEREAS, the City Council has considered the recommendation of the Planning and Zoning Commission to approve the rezoning in Case No: ZONE-19718-2017 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:

A portion of the Section 7, Township 9 South, Range 22 West of the Gila and Salt River Base and Meridian, Yuma County, State of Arizona more particularly described as follows:

The West half of the Southwest quarter of the Northeast quarter (W1/2SW1/4NE1/4) of said Section 7, Township 9 South, Range 22 West of the Gila and Salt river Base and Meridian, Yuma County, State of Arizona.

Containing an area of 871,289 square feet or 20.002 acres more or less

shall be placed in the Light Industrial (L-I) 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 Light Industrial (L-I), and that the zoning map adopted under Chapter 154 of the Yuma City Code, as amended, is ordered to be changed and amended to show that the real property described in this Ordinance will be located within the Light Industrial (L-I) 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 shall dedicate to the City of Yuma, the north half of 36th street as a collector street requiring 40 ft half width.
5. The owner shall dedicate to the City of Yuma, the East half of Avenue 4½E as a midsection collector street requiring 40 feet half width.
6. The owner shall dedicate to the City of Yuma, the South half of 34th street as a local street requiring 29 feet nominal half width
7. The owner shall dedicate to the City of Yuma, a triangle with 25 ft legs at the southeast corner of Ave 4½E and 34th Street
8. The owner shall dedicate to the City of Yuma, the North bound turn lane along west bound 36th Street and a corner triangle with 40 ft legs per Figure 3 of the 2005 Major Roadways Plan. The Northbound acceleration/merge lane for Avenue 4½E is not being required from Figure 3.
9. The owner shall dedicate to the City of Yuma, a 1’ non access easement along Avenue 4½E and 36th St frontages with a reservation of future access locations per City of Yuma Construction standards, at the time of development.
10. The owner shall dedicate to the City of Yuma, a 1’ non-access easement across all corner triangles in conformance with City of Yuma Construction Standard 2-096.

SECTION 3: 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.

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

APPROVED:

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

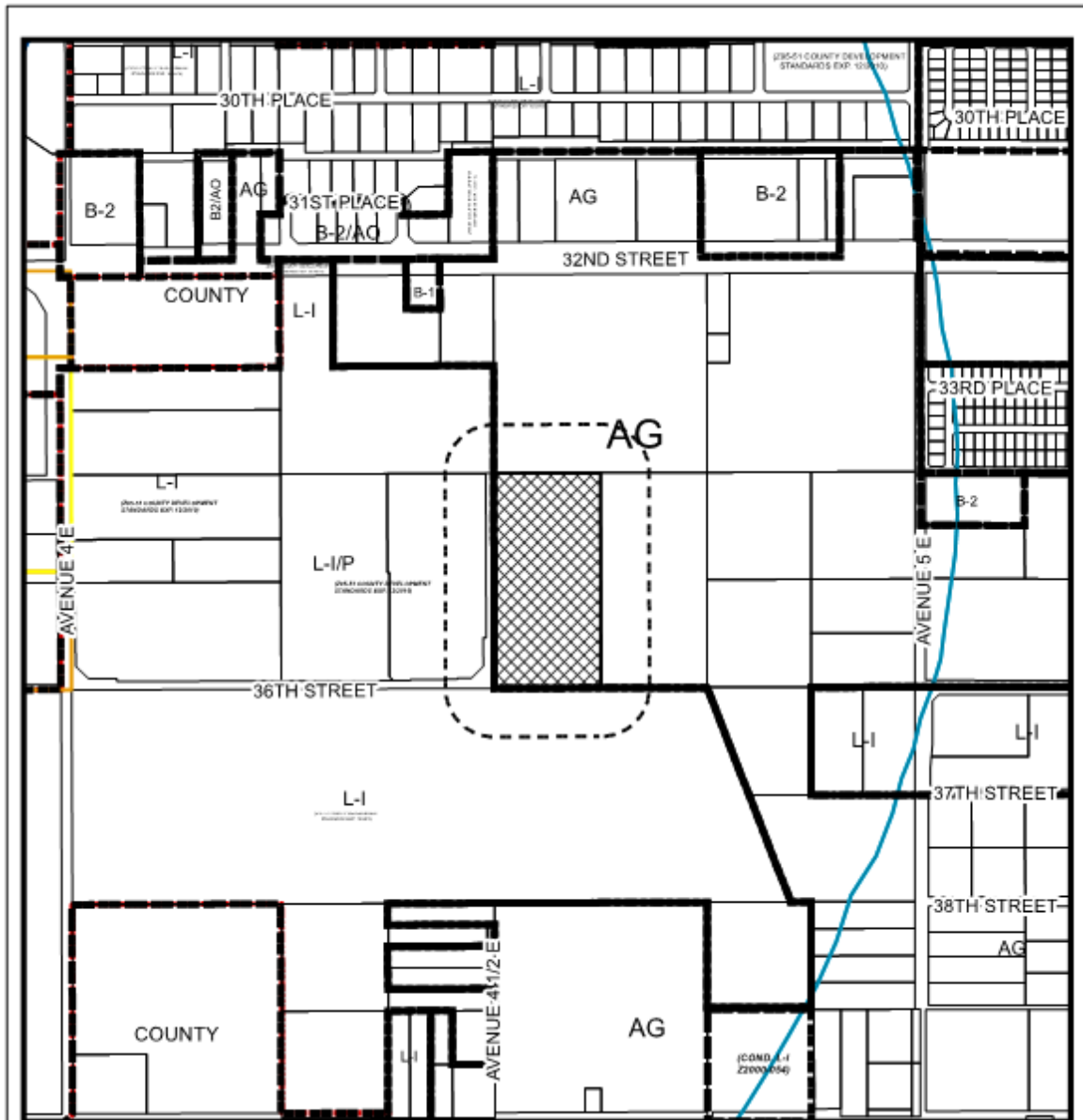
ATTESTED:

\_\_\_\_\_  
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:



Date: 10-02-17  
 Revised:  
 Revised:

Case #:  
 ZONE-019718-2017