

ORDINANCE NO. O2018-017

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF YUMA, ARIZONA, REFERENCING CHAPTER 154 OF THE YUMA CITY CODE, REZONING CERTAIN PROPERTIES 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 March 26, 2018, in Zoning Case no: ZONE-20711-2018 in the manner prescribed by law for the purpose of rezoning two parcels 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 February 2, 2018; and,

WHEREAS, the City Council has considered the recommendation of the Planning and Zoning Commission to approve the rezoning in Case No: ZONE-20711-2018 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:

A portion of the Northeast quarter (NE¹/₄) of Section 7, Township 9 South, Range 22 West of the Gila and Salt River Base and Meridian, Yuma County, State of Arizona, and more particularly described as follows:

APN 697-44-002

The Northeast quarter of the Southeast quarter of the Northeast quarter (NE¹/₄SE¹/₄NE¹/₄) of Section 7, Township 9 South, Range 22 West of the Gila and Salt River Base and Meridian, Yuma County, State of Arizona.

APN 697-44-003

The Southwest quarter of the Southeast quarter of the Northeast quarter (SW¹/₄SE¹/₄NE¹/₄) of Section 7, Township 9 South, Range 22 West of the Gila and Salt River Base and Meridian, Yuma County, State of Arizona

Contains 869,868 square feet or 19.97 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 East 36th Street as a collector street requiring a 40 foot nominal half width.
5. The owner shall dedicate to the City of Yuma the south half of East 34th Street as a local street requiring a 29 foot nominal half width.
6. The owner shall dedicate to the City of Yuma a corner triangle with 25 foot legs located at the southwest corner of East 34th Street and South Avenue 5E.
7. The owner shall dedicate to the City of Yuma a 1 foot non-access easement along East 36th St and Avenue 5E frontages with a reservation of future access locations per City of Yuma Construction Standards, at the time of development.
8. The owner shall dedicate to the City of Yuma a 1 foot non-access easement across all corner triangles in conformance with City of Yuma Construction Standard 2-096.
9. The owner shall dedicate to the City of Yuma South Avenue 5E right-of-way such that the City retains a 40 foot west half width right-of-way for a collector street.

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

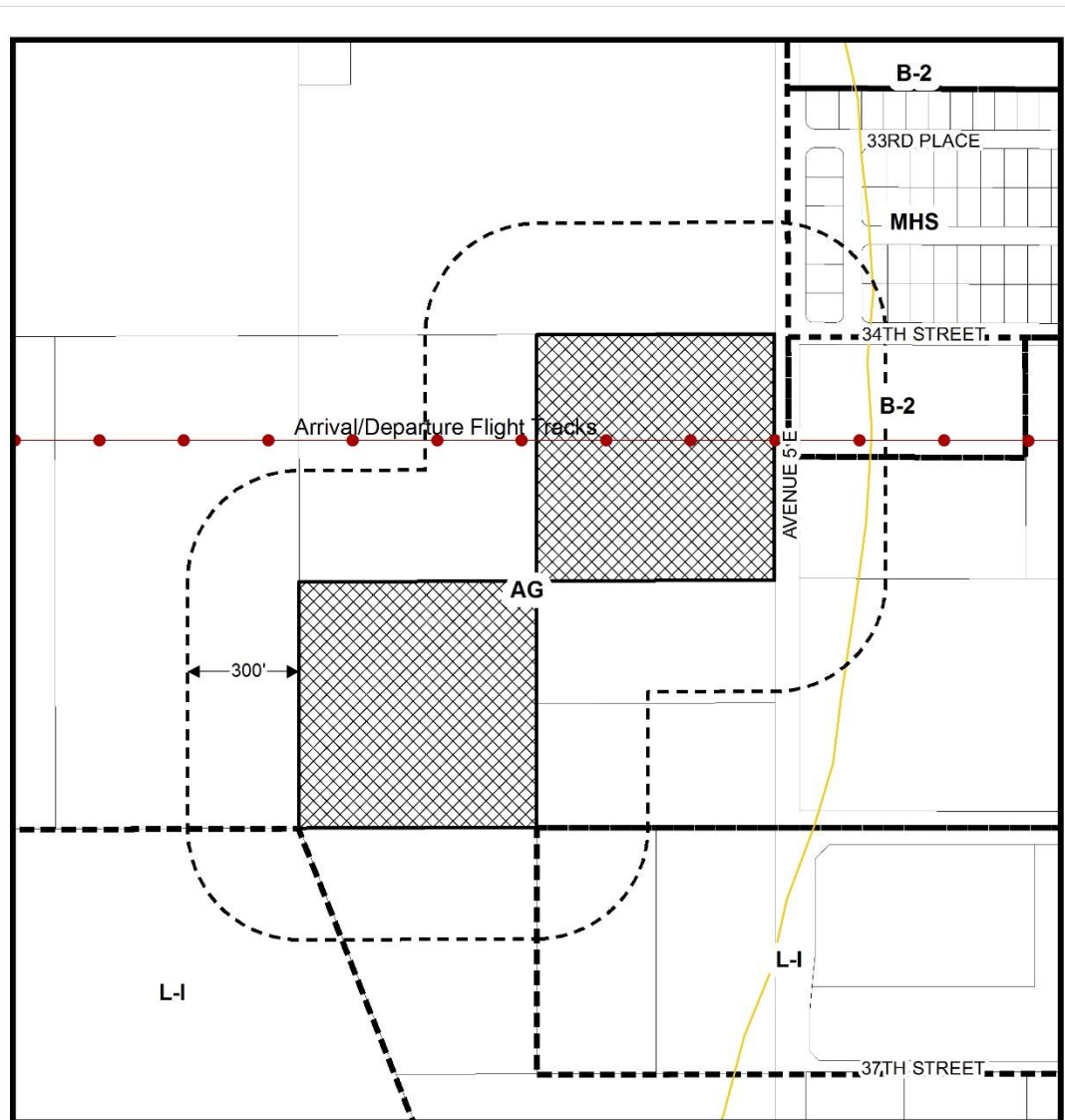
ATTESTED:

Lynda L. Bushong
City Clerk

APPROVED AS TO FORM:

Richard W. Files
City Attorney

Exhibit A



LOCATION MAP



LOCATION OF SUBJECT PROPERTY



Prepared by: GE

Checked by:



Date: 01-04-218

Revised:

Revised:

Case #:

ZONE-20711-2018