

ORDINANCE NO. O2020-005

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 LOW DENSITY RESIDENTIAL (R-1-6) 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 January 13, 2020 in Zoning Case no: ZONE-28098-2019 in the manner prescribed by law for the purpose of rezoning one parcel of real property hereafter described to the Low Density Residential (R-1-6) 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 December 20, 2019; and,

WHEREAS, the City Council has considered the recommendation of the Planning and Zoning Commission to approve the rezoning in Case No: ZONE-28098-2019 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:

The East Half of the Northwest Quarter of the Northeast Quarter of Section 14, Township 9 South, Range 22 West, of the Gila and Salt River Base and Meridian, Yuma County, Arizona; except the North 62 feet thereof as deeded to the City of Yuma in Fee # 2009-22567, records of Yuma County, Arizona.

The above described area of 840,708 square feet or 19.3 acres more or less, shall be placed in the Low Density Residential (R-1-6) 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 Residential (R-1-6) 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 Residential (R-1-6) 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. Owner/Developer shall design and construct the south half of 40th Street per City of Yuma Construction Standard 2-015 at the time of development. 40th Street is transportation development fee eligible.
5. Owner/Developer shall dedicate (in fee title) the south half of 40th Street as a minor arterial street with 50 foot half width.

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 _____, 2020.

APPROVED:

Douglas J. Nicholls
Mayor

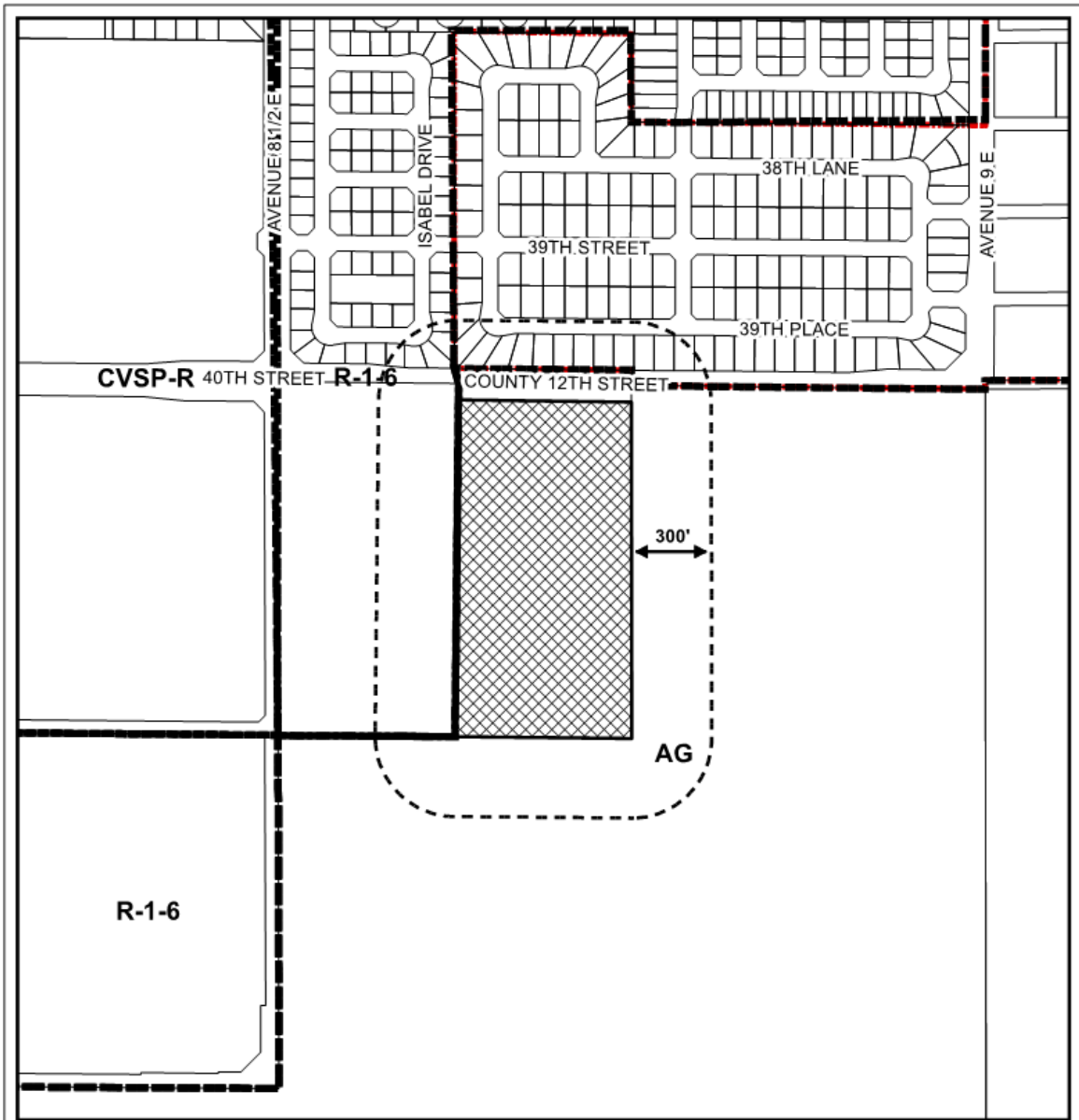
ATTESTED:

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: 10-11-19
Revised:
Revised:

Case #:
ZONE-028098-2019