

ORDINANCE NO. O2016-016

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 April 25, 2016 in Zoning Case no: ZONE-13271-2016 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 April 1, 2016; and,

WHEREAS, the City Council has considered the recommendation of the Planning and Zoning Commission to approve the rezoning in Case No: ZONE-13271-2016 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 Section 5, 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 956 feet of the Northwest quarter of the Southwest quarter (NW1/4 SW1/4) of Section 5, Township 9 South, Range 22 West of the Gila and Salt River Base and Meridian, Yuma County, State of Arizona, lying South of the Southerly right-of-way of Interstate 8 Highway and North of the Northerly right-of-way of the Southern Pacific Railroad;

EXCEPT the West 472 feet thereof.

Containing an area of 221,672 square feet of 5.09 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) 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 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 within thirty (30) calendar days of the effective date of approval of this zoning action and prior to the

issuance of any building permit. In the event this condition is not completed within this time frame, the zoning action is null and void.

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 shall dedicate a 29.00 foot no-build easement along the north property line, such that no buildings are constructed in the future Gila Ridge Road r-o-w. The owner shall have the right to utilize the no-build easement area for such things as landscaping, parking, and storm water retention, until such time that the property or portions thereof is purchased by the City of Yuma for right-of-way purposes. The City of Yuma Transportation Master Plan, dated October 2014, calls this section of Gila Ridge Road a collector street, requiring a full width of 80 feet. The existing width of Gila Ridge Road appears to be 51 feet as existing.
5. Following approval of the rezone, the property owner shall submit for a Conditional Use Permit to allow for offices in the Light Industrial (L-I) Zoning District.

SECTION 3: With the exception of Condition 2, 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 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 _____, 2016.

APPROVED:

Douglas J. Nicholls
Mayor

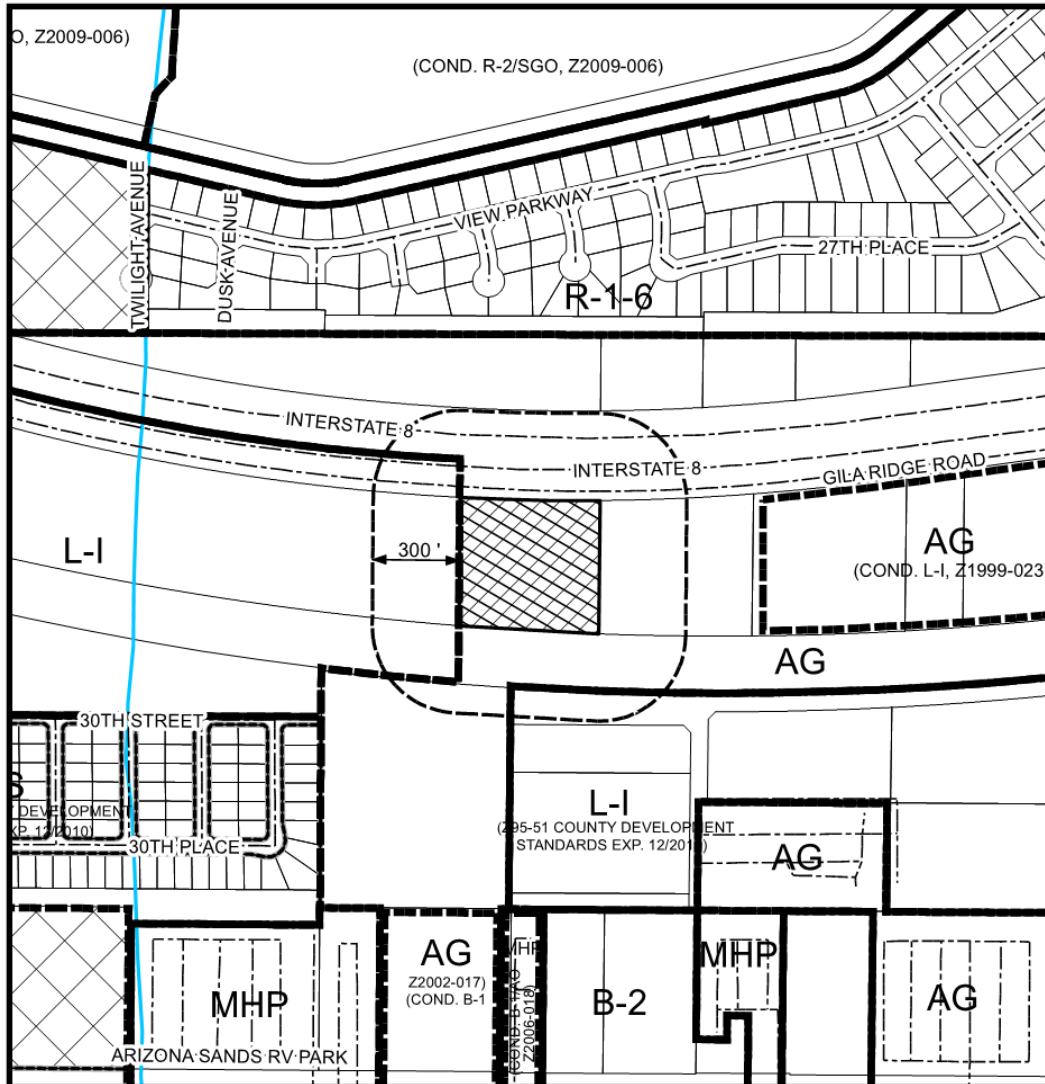
ATTESTED:

Lynda L. Bushong
City Clerk

APPROVED AS TO FORM:

Steven W. Moore
City Attorney

Exhibit A



LOCATION MAP

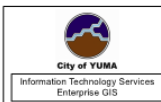


LOCATION OF SUBJECT PROPERTY



Prepared by: CF

Checked by:



Date: 3-7-2016

Revised:

Revised:

Case #:

ZONE-13271-2016