

**ORDINANCE NO. O2016-014**

**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 LIGHT INDUSTRIAL (L-I) DISTRICT TO THE GENERAL COMMERCIAL (B-2) DISTRICT AND THE MEDIUM DENSITY RESIDENTIAL (R-2) 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 11, 2016 in Zoning Case no: ZONE-13179-2016 in the manner prescribed by law for the purpose of rezoning one parcel of real property hereafter described to the General Commercial (B-2) District and the Medium Density Residential (R-2) 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 March 18, 2016; and,

WHEREAS, the City Council has considered the recommendation of the Planning and Zoning Commission to approve the rezoning in Case No: ZONE-13179-2016 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:

Lot 22 and the South 5.00 feet of Lot 23, Block 14, AMENDED PLAT OF SPEESE ADDITION, according to the Plat of Record in the Office of the County Recorder of Yuma County, Arizona in Book 1 of Plats, Page 6 and amended in Book 2 of Plats, Page 15 and shown in Book 3 of Plats, Page 142.

The above described area is 7,683 square feet or 0.176 acres more or less

shall be placed in the Medium Density Residential (R-2) 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 Medium Density Residential (R-2) 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 Medium Density Residential (R-2) District, and

Lot 24 and the North 45.00 feet of Lot 23, Block 14, AMENDED PLAT OF SPEESE ADDITION, according to the Plat of Record in the Office of the County Recorder of Yuma County, Arizona in Book 1 of Plats, Page 6 and amended in Book 2 of Plats, Page 15 and shown in Book 3 of Plats, Page 142.

The above described area is 13,267 square feet or 0.304 acres more or less

shall be placed in the General Commercial (B-2) 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 General Commercial (B-2) 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 General Commercial (B-2) 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. The Owner shall submit for approval a lot tie/split plat with new property lines corresponding to the boundaries of the new zoning districts. The lot tie/split must be recorded before the rezone can be effective.

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

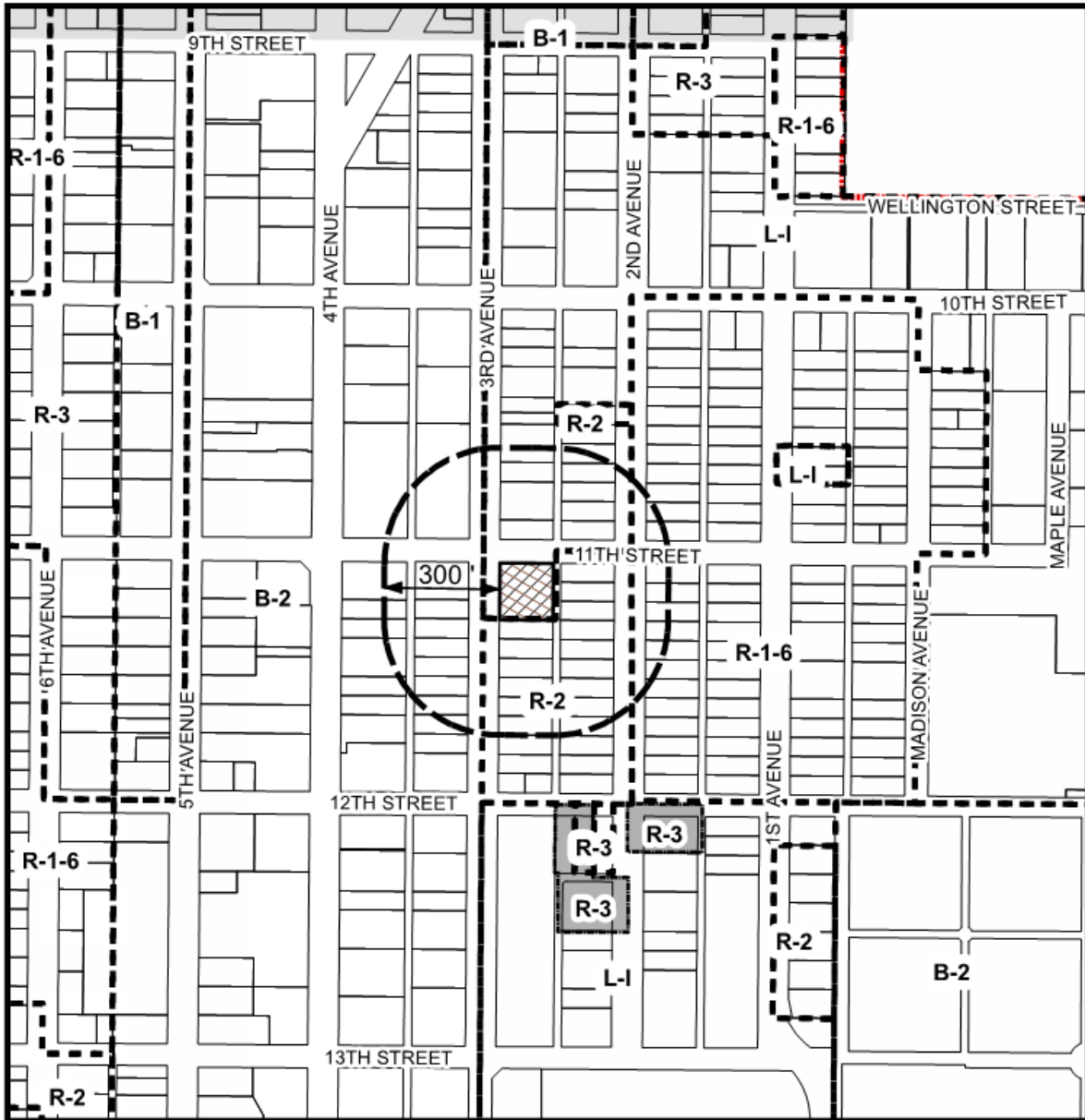
ATTESTED:

APPROVED AS TO FORM:

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

\_\_\_\_\_  
Steven W. Moore  
City Attorney

# Exhibit A



## LOCATION MAP

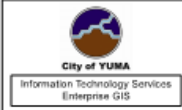


LOCATION OF SUBJECT PROPERTY



Prepared by: CF

Checked by:



Date: 2/18/16

Revised:

Revised:

Case #:

ZONE-013179-2016