

ORDINANCE NO. O2018-022

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF YUMA, ARIZONA, REFERENCING CHAPTER 154 OF THE YUMA CITY CODE, REZONING CERTAIN PROPERTY LOCATED IN THE AGRICULTURE (AG) DISTRICT, AUTOCENTER OVERLAY (ACO) DISTRICT, AND AIRPORT OVERLAY (AD) DISTRICT TO THE GENERAL COMMERCIAL (B-2) DISTRICT, AUTOCENTER OVERLAY (ACO) DISTRICT, AND AIRPORT OVERLAY (AD) 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 9, 2018 on Case No: ZONE-21068-2018 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, Auto Center Overlay (ACO) District, and Airport Overlay (AD) District as provided in Chapter 154 of the Yuma City Code, as amended, 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 16, 2018; and,

WHEREAS, the City Council has considered the recommendation of the Planning and Zoning Commission to approve the rezoning in Case No: ZONE-21068-2018 and finds that the recommendation complies with and conforms to the goals and objectives of the Yuma 2012 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 9, Township 9 South, Range 23 West of the Gila and Salt River Base and Meridian, Yuma County, State of Arizona, and more particularly described as follows:

The West Half of the Northwest quarter of the Northeast quarter of the Northeast quarter (W¹/₂NW¹/₄NE¹/₄NE¹/₄) of Section 9, Township 9 South, Range 23 West of the Gila and Salt River Base and Meridian, Yuma County, State of Arizona;

Except the North 180 feet thereof.

Containing an area of 158,103 or 3.6295 acres more or less.

shall be placed in the General Commercial (B-2) District, Auto Center Overlay (ACO) District, and Airport Overlay (AD) 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, Auto Center Overlay (ACO) District, and Airport Overlay (AD) 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, Auto Center Overlay (ACO) District, and Airport Overlay (AD) 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.

SECTION 3: Each of the conditions listed above shall be completed within six (6) months 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 A.R.S. § 9-462.01.

Adopted this _____ day of _____, 2018.

APPROVED:

Douglas J. Nicholls
Mayor

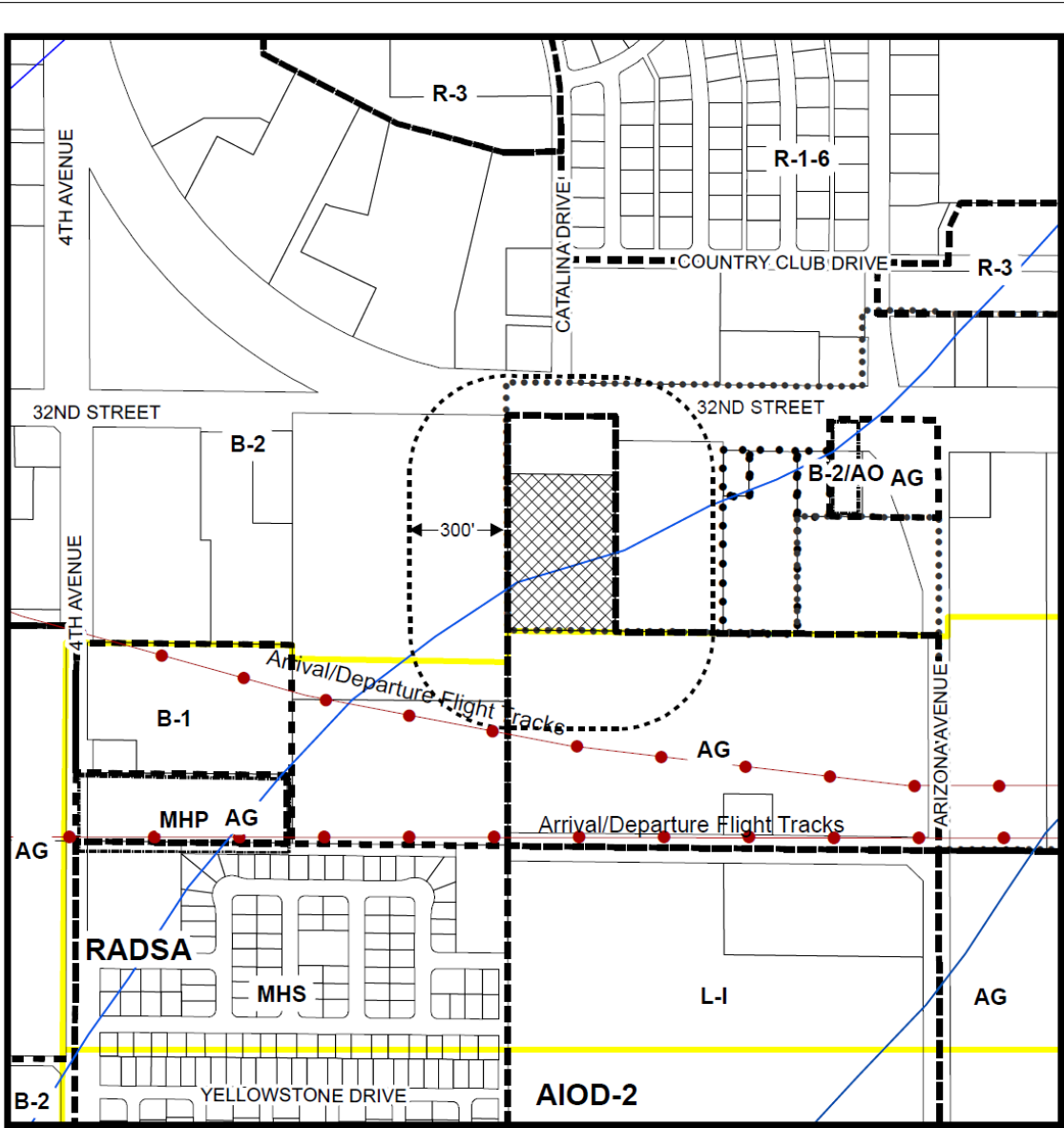
ATTESTED:

Lynda L. Bushong
City Clerk


APPROVED AS TO FORM:

Richard W. Files
Deputy City Attorney

EXHIBIT A



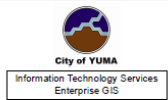
LOCATION MAP

 LOCATION OF SUBJECT PROPERTY



Prepared by: DMC

Checked by:



Date: 02-6-2018

Revised: 02-16-2018

Revised:

Case #:

ZONE-021068-2018