

ORDINANCE NO. O2018-001

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 GENERAL COMMERCIAL/INFILL OVERLAY (B-2/IO) DISTRICT TO THE TRANSITIONAL/INFILL OVERLAY (TR/IO) 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 November 27, 2017 in Zoning Case no: ZONE-19717-2017 in the manner prescribed by law for the purpose of rezoning two parcels of real property hereafter described to the Transitional/Infill Overlay (TR/IO) 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 November 3, 2017; and,

WHEREAS, the City Council has considered the recommendation of the Planning and Zoning Commission to approve the rezoning in Case No: ZONE-19717-2017 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:

Parcel 1: The North half of Lot 3, Block 150, of the CITY OF YUMA, County of Yuma, State of Arizona, according to Whites Official Survey, filed April 4, 1894, in the office of the County Recorder, Yuma County, State of Arizona;

TOGETHER WITH that portion of the East 10 feet of alley adjoining the North half of Lot 3 lying North of the Westerly prolongation of the Southerly boundary line of the North half of said Lot 3, as vacated February 3, 1914, by Ordinance No. 112 of the Common Council of the City of Yuma, situated in Yuma County, State of Arizona.

Parcel 2: The South half of Lot 3, Block 150, of the CITY OF YUMA, County of Yuma, State of Arizona, according to Whites Official Survey, filed April 4, 1894, in the office of the County Recorder, Yuma County, State of Arizona;

TOGETHER WITH that portion of the East 10 feet of alley adjoining the South half of Lot 3 lying North of the Westerly prolongation of the South boundary line of the South half of said Lot 3, as vacated February 3, 1914, by Ordinance No. 112 of the Common Council of the City of Yuma, situated in Yuma County, State of Arizona.

The above described area is 14,000 square feet or 0.32 acres more or less,

shall be placed in the Transitional/Infill Overlay (TR/IO) 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 Transitional/Infill Overlay (TR/IO) 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 Transitional/Infill Overlay (TR/IO) 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 provide a 10’ no-build easement across the 4th Avenue frontage (to be reserved for future right-of-way).

SECTION 3: With the exception of Condition 2, each of the conditions listed above shall be completed within one (1) year 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

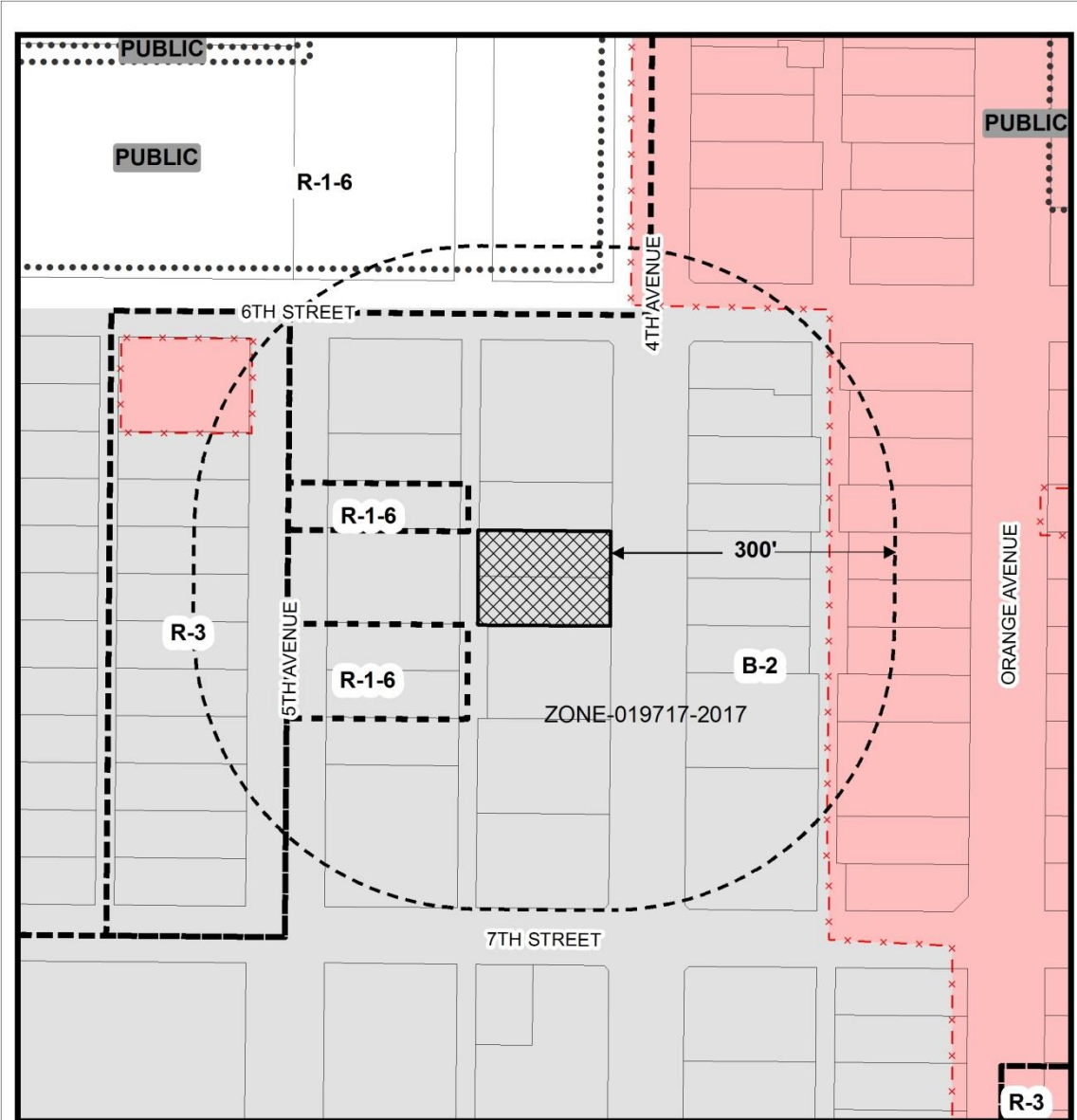
ATTESTED:

Lynda L. Bushong
City Clerk

APPROVED AS TO FORM:

Richard W. Files
City Attorney

Exhibit A



LOCATION MAP

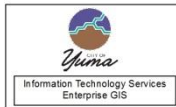


LOCATION OF SUBJECT PROPERTY



Prepared by: GE

Checked by:



Date: 9/03/2017

Revised:

Revised:

Case #:

ZONE-19717-2017