

ORDINANCE NO. O2018-003

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 November 27, 2017 in Zoning Case no: ZONE-19719-2017 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 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-19719-2017 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:

Portion of the Section 7, 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 East half of the Southwest quarter of the Northeast quarter (E1/2SW1/4NE1/4) of said Section 7, Township 9 South, Range 22 West of the Gila and Salt river Base and Meridian, Yuma County, State of Arizona.

Contains area of 871,559 square feet or 20.008 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), and that the zoning map adopted under Chapter 154 of the Yuma City Code, as amended, is ordered to be changed and amended 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 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. The owner shall dedicate to the City of Yuma, the north half of 36th street as a collector street requiring 40-foot half width.
5. The owner shall dedicate to the City of Yuma, the south half of 34th Street as a local street requiring a 29-foot nominal half-width.
6. The owner shall dedicate a 1-foot non-access easement along 36th Street frontage with a reservation of future access locations per City of Yuma Construction Standards at the time of development.
7. The owner shall dedicate by easement a temporary 70-foot diameter off set cull-de-sac (offset into the property) at the east end of 34th Street & 36th Street until such time that the adjoining property to the east dedicates and constructs their portion of said roads.
8. Owner hereby acknowledges that the cul-de-sacs will not meet the City of Yuma Fire Department emergency access requirements for this property.

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 _____, 2018.

APPROVED:

 Douglas J. Nicholls
 Mayor

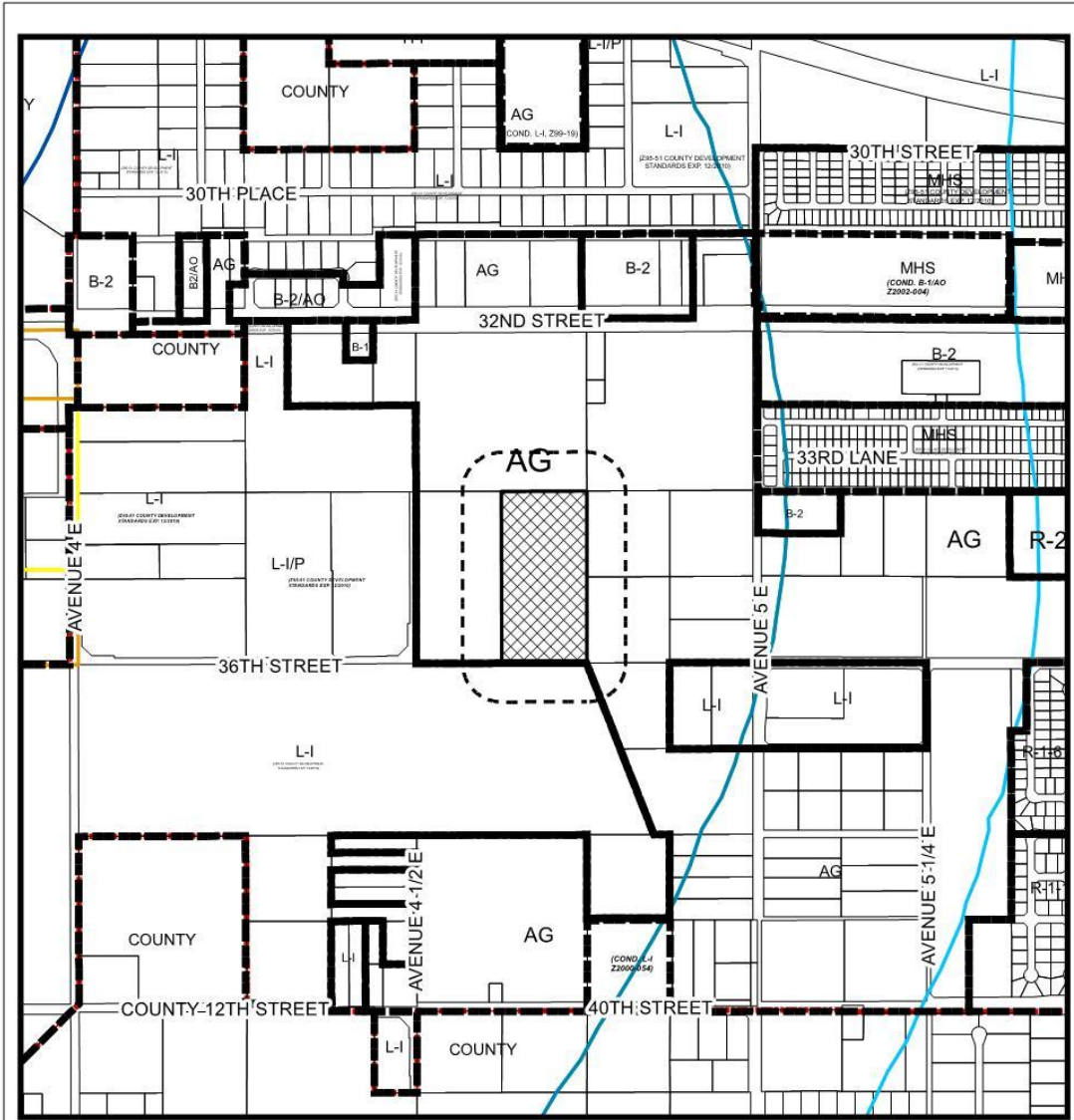
ATTESTED:

 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: KB

Checked by:



Date: 10-02-17

Revised:

Revised:

Case #:

ZONE-019719-2017