

ORDINANCE NO. O2018-034

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 LIGHT INDUSTRIAL (L-I) DISTRICT TO THE LOW DENSITY RESIDENTIAL (R-1-6) DISTRICTS, WHILE MAINTAINING THE BED & BREAKFAST (BB) AND THE INFILL OVERLAY (IO) DISTRICTS, AND AMENDING THE ZONING MAP TO CONFORM WITH THE REZONING

WHEREAS, the City of Yuma Planning and Zoning Commission held a public hearing on June 25, 2018, 2018 in Zoning Case no: ZONE-21860-2018 in the manner prescribed by law for the purpose of rezoning several parcels of real property hereafter described to the Low Density Residential (R-1-6) 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 June 5, 2018; and,

WHEREAS, the City Council has considered the recommendation of the Planning and Zoning Commission to approve the rezoning in Case No: ZONE-21860-2018 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 Northeast quarter of Section 28, Township 9 South, Range 23 West of the Gila and Salt River Base and Meridian, Yuma County, State of Arizona more particularly described as:

Lot 13 and 14 of Block 2, AMENDED PLAT OF SPEESE ADDITION, according to Book 21 of Plat, Page 6 and amended in Book 2 of Plats, Page 15 and in Book 3 of Plats, Page 142 all in the Yuma County Recorder Office, Yuma County, State of Arizona.

Containing an area of 14,000 square feet or 0.321 acres more or less;

shall be placed in the Low Density Residential (R-1-6) 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 Low Density Residential (R-1-6) 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 Low Density Residential (R-1-6) 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. Dedicate to the City of Yuma, via Warranty Deed or plat, a corner sight triangle, with 25-feet long legs at the Southwest corner of the property.
5. Dedicate to the City of Yuma, via easement or plat, a 1-foot non-access easement over the corner triangle per City of Yuma Construction Standard 2-096.
6. 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.

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 A.R.S. §9-462.01.

Adopted this _____ day of _____, 2018.

APPROVED:

Douglas J. Nicholls
Mayor

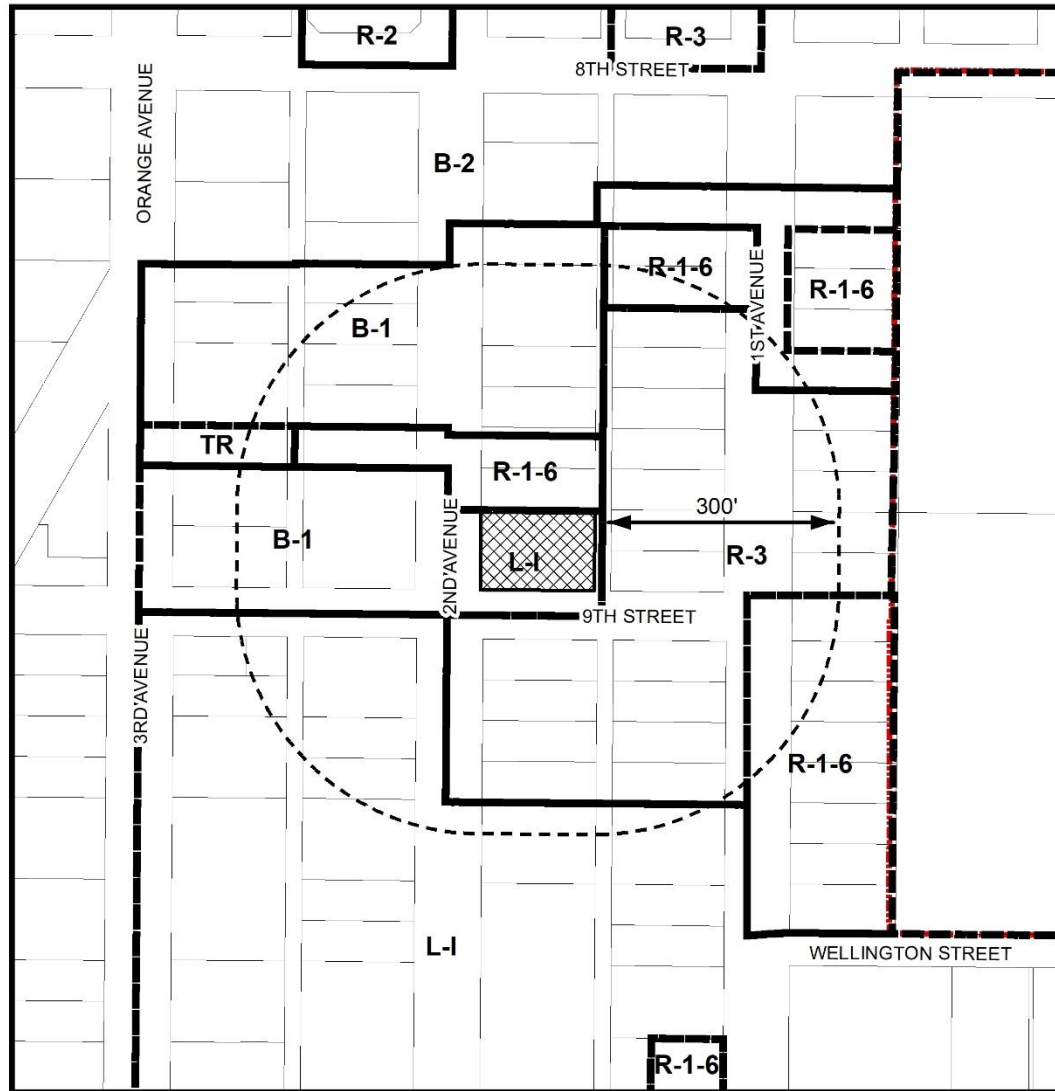
ATTESTED:

Lynda L. Bushong
City Clerk

APPROVED AS TO FORM:

Richard W. Files
City Attorney

Exhibit A



LOCATION MAP



LOCATION OF SUBJECT PROPERTY



Prepared by: KB

Checked by:



Date: 05-03-18

Revised: 05-31-18

Revised:

Case #:

ZONE-021860-2018