

ORDINANCE NO. O2018-008

**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 HIGH DENSITY RESIDENTIAL (R-3)
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 December 11, 2017 in Zoning Case no: ZONE-19909-2017 in the manner prescribed by law for the purpose of rezoning one parcel of real property hereafter described to the High Density Residential (R-3) 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 30, 2017; and,

WHEREAS, the City Council has considered the recommendation of the Planning and Zoning Commission to approve the rezoning in Case No: ZONE-19909-2017 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:

A portion of the Northwest quarter of the Southwest quarter of the Southwest quarter (NW¼SW¼SW¼) of Section 29, Township 8 South, Range 23 West of the Gila and Salt River Base and Meridian, Yuma County, State of Arizona, and more particularly described as follows:

APN 664-29-095

Parcel A of the GHIOTTO LAND DIVISION (LPD 16-06), dated 7/20/2016, FEE # 2016-20377, Recorded in Book 14 of Surveys, Page 7, Yuma County Records, Yuma County, State of Arizona.

APN 664-29-096

Parcel B of the GHIOTTO LAND DIVISION (LPD 16-06), dated 7/20/2016, FEE # 2016-20377, Recorded in Book 14 of Surveys, Page 7, Yuma County Records, Yuma County, State of Arizona

Containing an area of 207,446 square feet of 4.7623 acres more or less.

shall be placed in the High Density Residential (R-3) 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 High Density Residential (R-3), 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 High Density Residential (R-3) 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 record a raised median disclosure acknowledging that a median may be constructed in Avenue B frontage creating access restrictions to the property.
5. The Owner shall record a 1' non-access easement along the property frontage, except for driveways that meet City of Yuma construction standards.
6. 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.

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 _____, 2018.

APPROVED:

Douglas J. Nicholls
Mayor

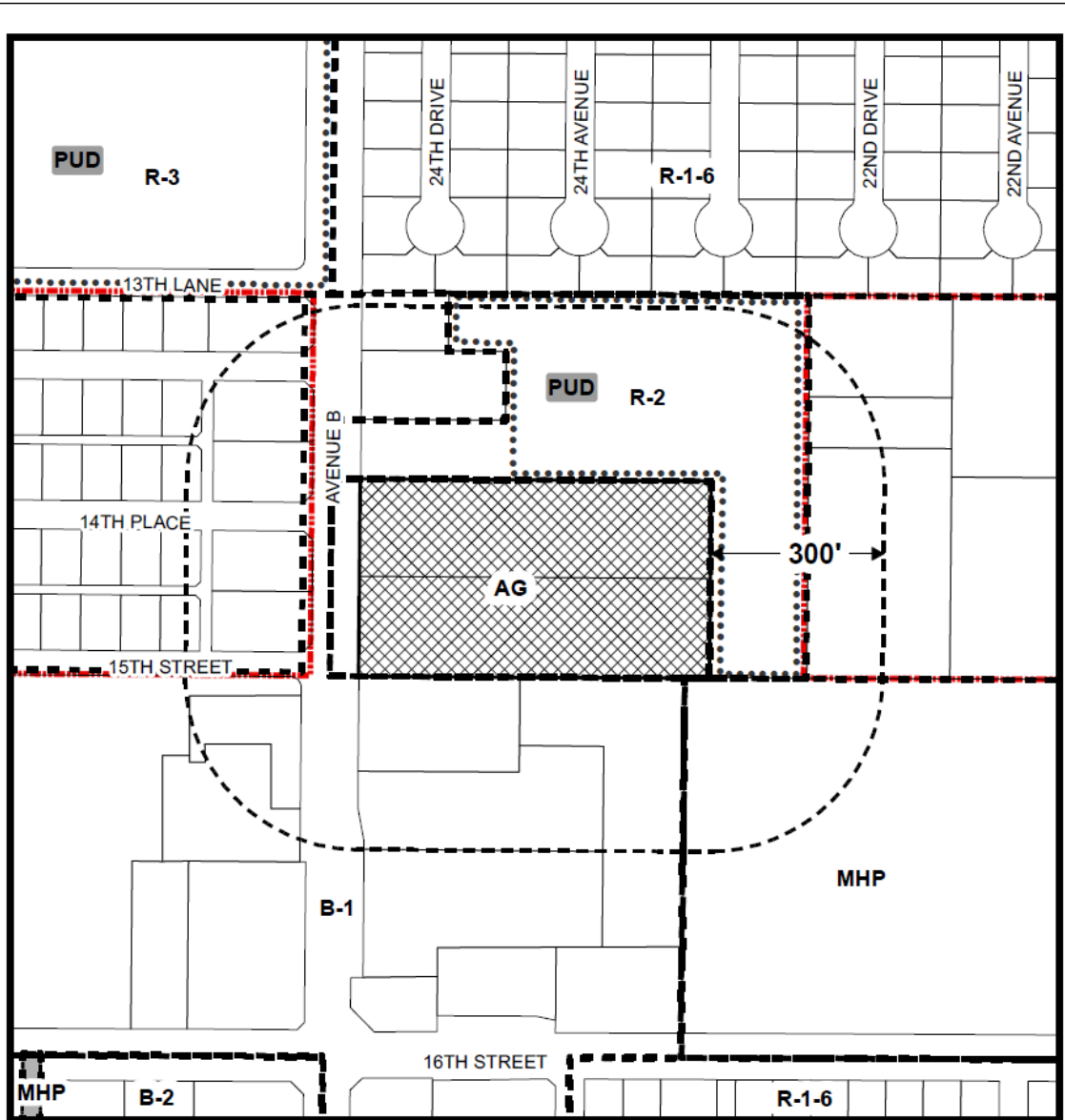
ATTESTED:

APPROVED AS TO FORM:

Lynda L. Bushong
City Clerk

Richard W. Files
City Attorney

Exhibit A



LOCATION MAP



LOCATION OF SUBJECT PROPERTY



Prepared by: GE

Checked by:



Date: 10/23/2017

Revised:

Revised:

Case #:

ZONE-19909-2017