

**ORDINANCE NO. O2019-039**

**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 MEDIUM DENSITY RESIDENTIAL (R-2) DISTRICT, WHILE MAINTAINING THE EXISTING INFILL OVERLAY (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 September 23, 2019 in Zoning Case no: ZONE-27138-2019 in the manner prescribed by law for the purpose of rezoning several parcels of real property hereafter described to the Medium Density (R-2) 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 August 5, 2019; and,

WHEREAS, the City Council has considered the recommendation of the Planning and Zoning Commission to approve the rezoning in Case No: ZONE-27138-2019 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:

Lot 5, Block 13, of AMENDED PLAT OF SPEESE ADDITION, according to the plat of record in the office of the County Recorder of Yuma County, Arizona in Book of Plats, Page 6 and amended in Book 2 of Plats, Page 15.

TOGETHER WITH that portion of the vacated alley, vacated by Resolution and Order by the Yuma County Board of Supervisors, dated March 3, 1941, lying south of the Westerly prolongation of the North Line of Lot 6, Block 13, lying East of the East line of the existing 20 foot alley and North of the Westerly prolongation of the South line of Lot 5, Black 13, AMENDED PLAT OF SPEESE ADDITION, according to the plat of record in the office of the County Recorder of Yuma County, Arizona in Book 1 of Plats, Page 6 and Amended in Book 2 of Plats, Page 15.

shall be placed in the Medium Density Residential (R-2) 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 Medium Density Residential (R-2) 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 Medium Density Residential (R-2) District, and

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shall be placed in the Medium Density Residential (R-2) 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 Medium Density Residential (R-2) 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 Medium Density Residential (R-2) 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: 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 \_\_\_\_\_, 2019.

APPROVED:

\_\_\_\_\_  
Douglas J. Nicholls  
Mayor

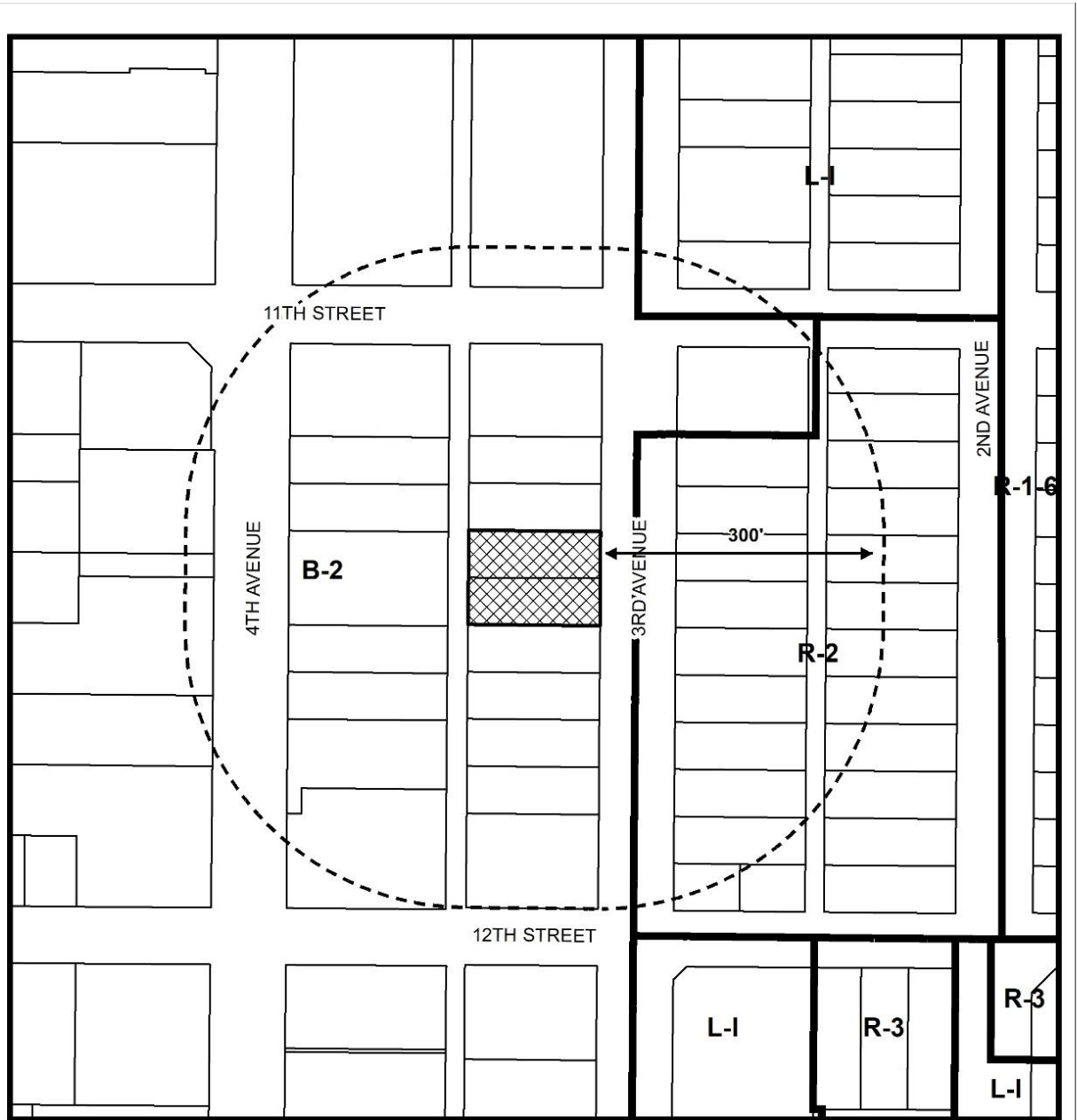
ATTESTED:

\_\_\_\_\_  
Lynda L. Bushong  
City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
Richard W. Files  
City Attorney

# Exhibit A



## LOCATION MAP

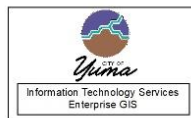


LOCATION OF SUBJECT PROPERTY



Prepared by: KB

Checked by:



Date: 08-07-19

Revised:

Revised:

Case #:

ZONE-027138-2019