

ORDINANCE NO. O2020-002

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 AGRICULTURE (AG) DISTRICT TO THE MEDIUM DENSITY RESIDENTIAL (R-2) DISTRICT AND MEDIUM DENSITY SINGLE-FAMILY RESIDENTIAL (R-2-5) 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 9, 2019, in Zoning Case no: ZONE-27899-2019 in the manner prescribed by law for the purpose of rezoning a portion of one parcel of real property hereafter described to the Medium Density Residential (R-2) District and Medium Density Single-Family Residential (R-2-5) 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 15, 2019; and,

WHEREAS, the City Council has considered the recommendation of the Planning and Zoning Commission to approve the rezoning in Case No: ZONE-27899-2019 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:

That portion of Section 15, Township 9 South, Range 22 West of the Gila and Salt River Base and Meridian, Yuma County, Arizona, more particularly described as follows:

Beginning at the East quarter corner of said Section 15;

Thence South 89°53'44" West along the North line of the Southeast quarter of said Section 15 a distance of 1267.80 feet to the TRUE POINT OF BEGINNING;

Thence South 00°13'51" East parallel with and 1267.80 feet westerly of the East line of the Southeast quarter of said Section 15 a distance of 610.00 feet;

Thence South 89°53'44" West parallel with and 610.00 feet southerly of the North line of the Southeast quarter of said Section 15 a distance of 695.00 feet;

Thence North 00°13'51" West parallel with and 1962.80 feet westerly of the East line of the Southeast quarter of said Section 15 a distance of 610.00 feet to a point on the North line of the Southeast quarter of said Section 15;

Thence North 89°53'44" East along the north line of the Southeast quarter of said Section 15 a distance of 695.00 feet to the TRUE POINT OF BEGINNING;

Said parcel contains 9.7326 acres.

shall be placed in the Medium Density Single-Family Residential (R-2-5) 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 Single-Family Residential (R-2-5) District 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 Medium Density Single-Family Residential (R-2-5) District, and

That portion of Section 15, Township 9 South, Range 22 West of the Gila and Salt River Base and Meridian, Yuma County, Arizona, more particularly described as follows:

Beginning at the East quarter corner of said Section 15;

Thence South 89°53'44" West along the North line of the Southeast quarter of said Section 15 a distance of 1962.80 feet to the TRUE POINT OF BEGINNING;

Thence South 00°13'51" East parallel with and 1962.80 feet westerly of the East line of the Southeast quarter of said Section 15 a distance of 610.00 feet;

Thence South 89°53'44" West parallel with and 610.00 feet southerly of the North line of the Southeast quarter of said Section 15 a distance of 688.23 feet to a point on the West line of the Southeast quarter of said Section 15;

Thence North 00°13'04" West along the West line of the Southeast quarter of said Section 15 a distance of 61.00 feet to the Northwest corner of the Southeast quarter of said Section 15;

Thence North 89°53'44" East along the north line of the Southeast quarter of said Section 15 a distance of 688.9 feet to the TRUE POINT OF BEGINNING;

Said parcel contains 9.7326 acres.

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 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. Owner/developer shall dedicate to the City of Yuma, via plat or warranty deed, the required right-of-way to obtain a nominal 40 feet half-width right-of-way along Avenue 7 ½ E, and 44th St, as required for collector streets in the City of Yuma Construction Standards.
4. Owner/developer shall dedicate to the City of Yuma, via plat or recorded document, a one-foot non-access easement to the City of Yuma along all collector and minor arterial street frontages and along all corner triangles as specified in City of Yuma Construction Standard 3-005.
5. Owner/developer shall dedicate to the City of Yuma, via plat or warranty deed, additional right-of-way for the North to East turn lane and corner triangle at Avenue 7½E & 44th Street, collector street standard as specified in City of Yuma Construction Standard 2-050.
6. Owner/developer shall design and construct bicycle lanes along Avenue 7½E adjacent to the development, similar to City of Yuma Construction Standard 2-020, with signage consistent with the latest edition of the Manual of Uniform Traffic Control Devices (MUTCD).

7. 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 _____, 2020.

APPROVED:

Douglas J. Nicholls
Mayor

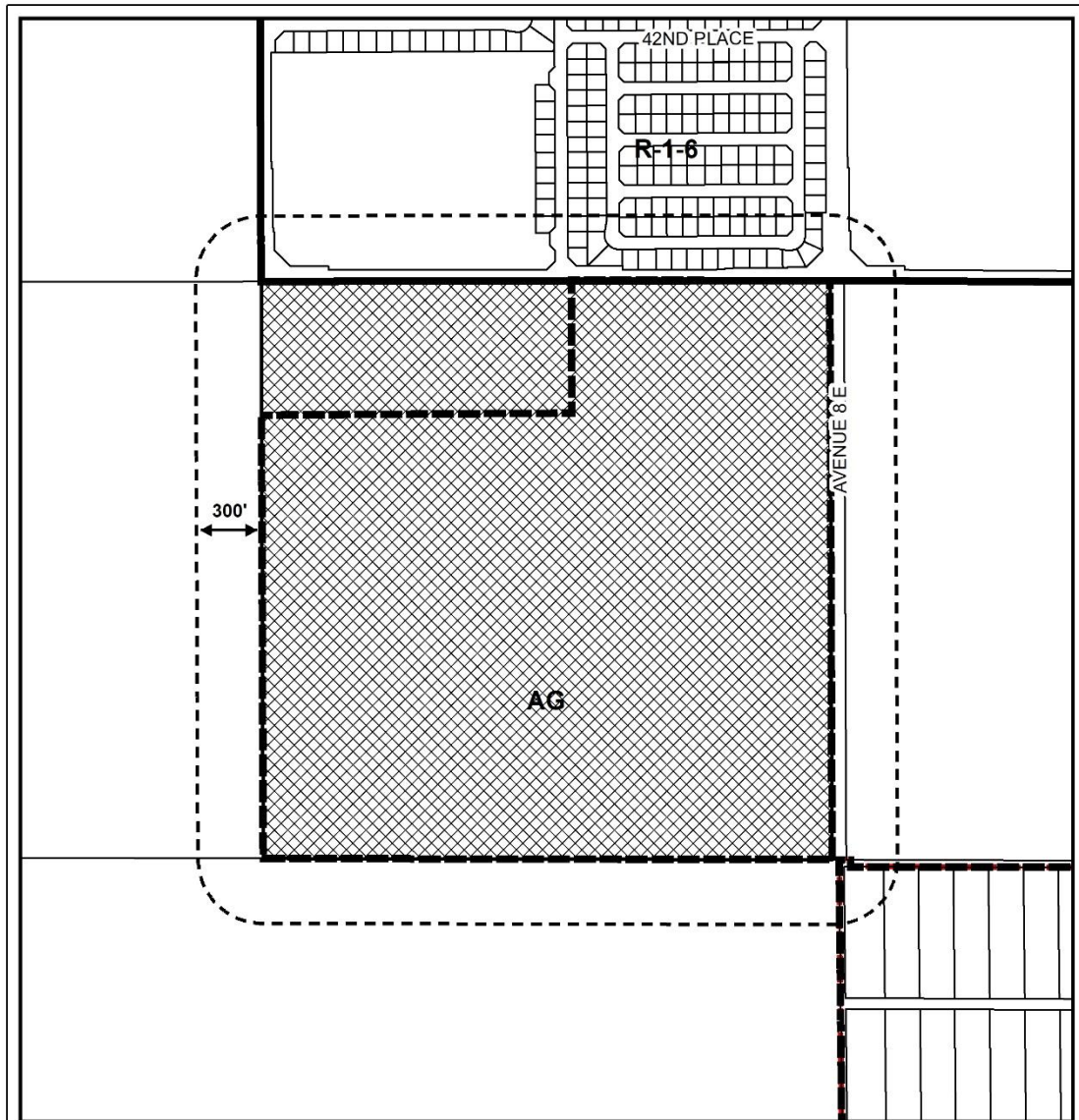
ATTESTED:

Lynda L. Bushong
City Clerk

APPROVED AS TO FORM:

Richard W. Files
City Attorney

Exhibit A



LOCATION MAP



LOCATION OF SUBJECT PROPERTY



Prepared by: G.E.

Checked by:



Date: 10-01-19

Revised: 10-16-19

Revised:

Case #:

ZONE-027899-2019