

ORDINANCE NO. O2020-011

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF YUMA, ARIZONA, AMENDING CHAPTER 154 OF THE YUMA CITY CODE, REZONING CERTAIN PROPERTIES 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 March 23, 2020, in Zoning Case no: ZONE-29231-2020 in the manner prescribed by law for the purpose of rezoning two parcels 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 February 28, 2020; and,

WHEREAS, the City Council has considered the recommendation of the Planning and Zoning Commission to approve the rezoning in Case No: ZONE-29231-2020 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 Northeast quarter of the Northeast quarter (NE¹/₄NE¹/₄) of Section 9, Township 9 South, Range 23 West of the Gila and Salt River Base and Meridian, City of Yuma, County of Yuma, State of Arizona, and more particularly described as follows:

The South half of the Northeast quarter of the Northeast quarter (S¹/₂NE¹/₄NE¹/₄) of said Section 9.

Containing 18.34 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) 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 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's signature on the application for this land use action request takes the place of the requirement for a separate notarized and recorded "Waiver of Claims" document.
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. Owner/developer shall dedicate, to the City of Yuma, via warranty deed or plat, 7 feet of right-of-way on Arizona Avenue, plus the underlying fee title for 33 feet from the centerline of the road.
5. Owner/developer shall dedicate, to the City of Yuma, via warranty deed or plat, 39 feet of existing canal easement along the 34th Street alignment.

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 _____, 2020.

APPROVED:

Douglas J. Nicholls
Mayor

ATTESTED:

Lynda L. Bushong
City Clerk

APPROVED AS TO FORM:

Richard W. Files
City Attorney

Exhibit A

