

ORDINANCE NO. O2020-013

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 AGRICULTURAL (AG) DISTRICT TO THE GENERAL COMMERCIAL (B-2) 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 April 27, 2020 in Zoning Case no: ZONE-27421-2019 in the manner prescribed by law for the purpose of rezoning several parcels of real property hereafter described to the General Commercial (B-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 April 3, 2020; and,

WHEREAS, the City Council has considered the recommendation of the Planning and Zoning Commission to approve the rezoning in Case No: ZONE-27421-2019 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:

The portion of the Southeast quarter of Section 3, Township 9 South, Range 22 West of the Gila and Salt River Base and Meridian, Yuma County, Arizona, lying South of the United States Bureau of Reclamation "B" Canal and lying West of the intersection of the United States Bureau of Reclamation "A" Canal and "B" Canal.

Except any portion of said Section 3 lying within United States Bureau of Reclamation "B" Canal right-of-way; and

Except any portion of said Section 3 lying within the U.S. Highway 80 right-of-way; and

Except that portion of the Southeast quarter of Section 3, Township 9 South, Range 22 West of the Gila and Salt River Base and Meridian, Yuma County, Arizona, more particularly described as follows:

Commencing at the Southwest corner of said Section 3;

Thence North 89 degrees 38 minutes 57 seconds East along the South line of Section 3, a distance of 2.649.20 feet to the South quarter corner of Section 3;

Thence North 00 degrees 02 minutes 09 seconds East a distance of 100 feet to a point on the North right-of-way line of the old Highway 80 and the TRUE POINT OF BEGINNING;

Thence North 00 degrees 02 minutes 09 seconds East a distance of 486.52 feet to a point of the South right-of-way line of "B" Canal;

Thence North 89 degrees 38 minutes 57 seconds East along said right-of-way line a distance of 5.07 feet;

Thence South 69 degrees 17 minutes 03 seconds East along "B" Canal right-of-way line a distance of 353.15 feet;

Thence South 00 degrees 21 minutes 03 seconds East a distance of 359.57 feet to a point on the North right-of-way line of old Highway 80;

Thence South 89 degrees 38 minutes 57 seconds West along said right-of-way line a distance of 337.90 feet the TRUE POINT OF BEGINNING.

shall be placed in the General Commercial (B-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 General Commercial (B-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 General Commercial (B-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 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. The subject property will be required to landscape, provide paved parking and access, and add adequate lighting, as identified within the zoning code.

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 time frame then the rezone shall be subject to A.R.S. § 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

