

## **ORDINANCE NO. O2020-018**

### **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF YUMA, ARIZONA, AMENDING CHAPTER 154 OF THE YUMA CITY CODE, REZONING CERTAIN REAL PROPERTY LOCATED IN THE AGRICULTURE (AG) DISTRICT TO THE MEDIUM DENSITY RESIDENTIAL/PLANNED UNIT DEVELOPMENT OVERLAY (R-2/PUD) 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 July 13, 2020 in Zoning Case no: ZONE-26265-2019 in the manner prescribed by law for the purpose of rezoning one parcel of real property, hereafter described, to the Medium Density Residential/Planned Unit Development Overlay (R-2/PUD) 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 9, 2020; and,

WHEREAS, the City Council has considered the recommendation of the Planning and Zoning Commission to approve the rezoning in Case No: ZONE-26265-2019 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

Parcel 'D' of Desert Sky Lot Split, as recorded in Book 28 of Plats, Page 58, Yuma County Records,

consisting of an area of 18.3 acres, more or less, shall be placed in the Medium Density Residential/Planned Unit Development Overlay (R-2/PUD) 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/Planned Unit Development Overlay (R-2/PUD) 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/Planned Unit Development (R-2/PUD) District.

SECTION 2: That the following condition(s) must be met and/or completed in order for the zoning amendment to become 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.
4. Owner/developer shall dedicate to the City of Yuma, via plat or warranty deed, the required right-of-way to obtain a nominal 80 feet of total right-of-way along 36<sup>th</sup> Street, as required for collector streets as called out in the City of Yuma Transportation Master Plan and in the City of Yuma Construction Standards.
5. Owner/developer shall dedicate to the City of Yuma, via plat, the required right-of-way to obtain a nominal 40 feet west half-width right-of-way along Avenue 7 ½ E, as required for a collector street as called out in the City of Yuma Transportation Master Plan and in the City of Yuma Construction Standards.
6. Owner/developer shall dedicate to the City of Yuma, via plat, all required corner visibility triangles in all major and local street intersections as specified in City of Yuma Construction Standard 3-005 (dimensions of corner triangle vary depending on type of intersection).
7. Owner/developer shall dedicate to the City of Yuma, via plat, 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.
8. Owner/developer shall dedicate to the City of Yuma, via plat, additional right-of-way for turn lanes, as required for collector streets as specified in City of Yuma Construction Standard 2-050.
9. Owner/developer shall design and build a complete intersection per City of Yuma Standards at 36<sup>th</sup> Street and Avenue 7 ½ E, in lieu of design & construction of 36<sup>th</sup> street, west of Avenue 7½ E to the Canal.
10. The common area/retention basin shall be designed to include the following amenities:

- a. Landscaping in a cohesive manner similar to that of the completed common area/retention basin located in Desert Sky Unit No. 1.
- b. A minimum of two picnic tables and two barbeque grills.
- c. Lighting along the perimeter of the common area/retention basin, specifically double street lights located along the subdivision roadways. Such lighting shall be designed so as to adequately illuminate the picnic areas.
- d. Landscape within the 10' interior corridor walking path, which connects the two phases of development, shall include rock similar to the retention basin and shrubs (trees are not required).

11. Front yard irrigation, grass, and a 15-gallon for each unit shall be installed as a phased installation project, not to exceed 10 completed units.

SECTION 3: Each of the conditions listed above shall be completed within five (5) 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 A.R.S. §9-462.01.

Adopted this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

APPROVED:

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

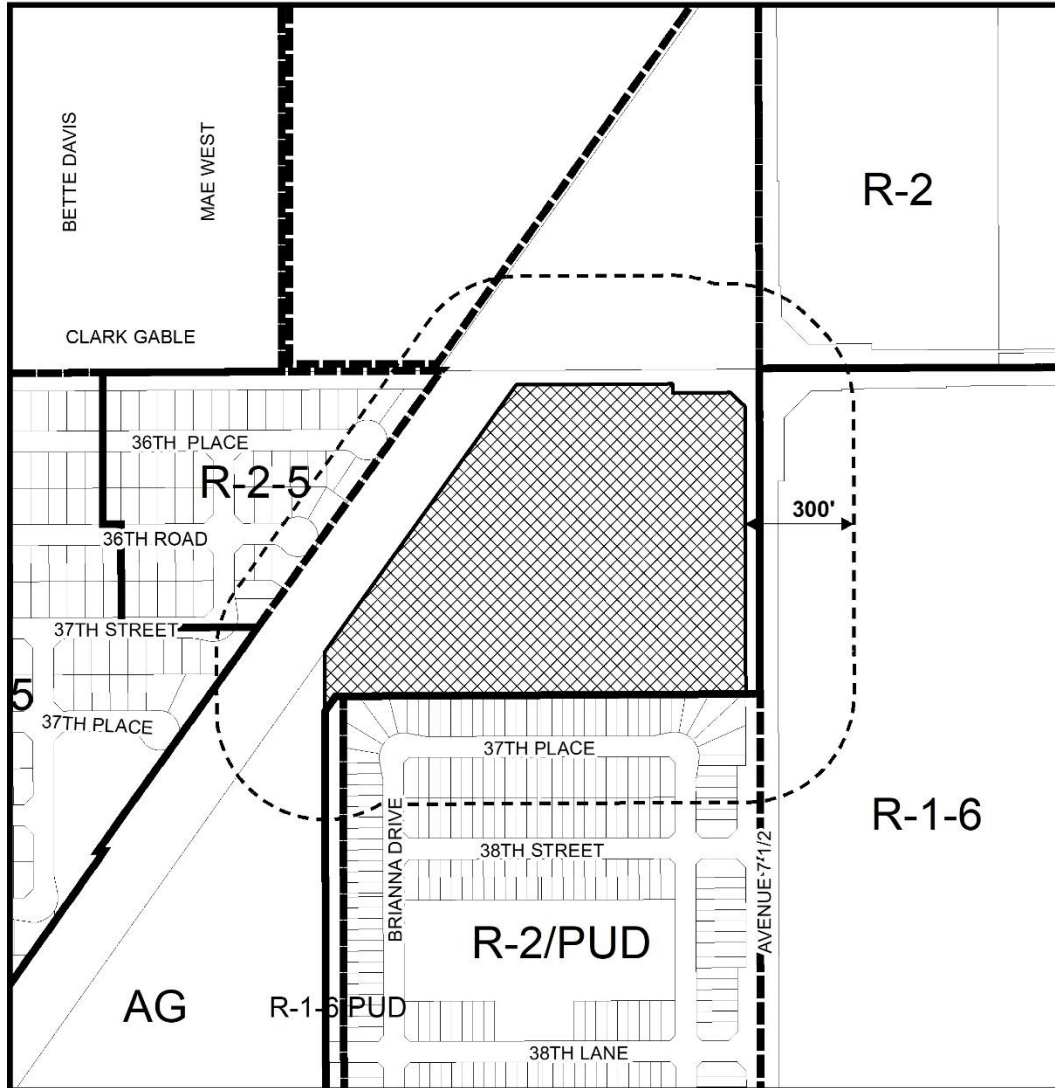
ATTESTED:

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

APPROVED AS TO FORM:

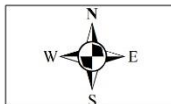
\_\_\_\_\_  
Richard W. Files  
City Attorney

## Exhibit A



### LOCATION MAP

 LOCATION OF SUBJECT PROPERTY



Prepared by: GE

Checked by:



Date: 5-29-2019

Revised:

Revised:

Case #:

ZONE-26265-2019