

ORDINANCE NO. O2025-023

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 AGRICULTURE (AG) DISTRICT TO THE HIGH DENSITY RESIDENTIAL (R-3) 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 May 12, 2025 in Zoning Case No: ZONE-43816-2025 in the manner prescribed by law for the purpose of rezoning approximately 50.5 acres of real property hereafter described to the High Density Residential (R-3) 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 4, 2025; and,

WHEREAS, the City Council has considered the recommendation of the Planning and Zoning Commission to approve the rezoning in Case No: ZONE-43816-2025 and the probable impact on the cost to construct housing for sale or rent that may occur as a result of this rezoning, 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 the Northeast quarter of Section 16, Township 9 South, Range 22 West, Gila and Salt River Base and Meridian, Yuma County, Arizona LYING East of the Robert A. Vaughan Expressway and North and West of the centerline of the USBR "A" Canal.

Containing 58.00 acres more or less.

shall be placed in the High Density Residential (R-3) 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 High Density Residential (R-3) 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 High Density Residential (R-3) District.

SECTION 2: That the following conditions (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 shall constitute a waiver of any claims for diminution in value pursuant to A.R.S. § 12-1134.
3. The Owner/Developer shall dedicate the south half right-of-way for 40th Street across the property frontage including the widening for the future bridge to cross the Area Service Highway (ASH) as follows:
 - The Owner/developer shall dedicate to the City of Yuma the fee title to the original 33 feet of south half right-of-way called out in the Yuma County Road Surveys for 40th Street, along the property frontage that was not purchased by the City of Yuma in Warranty Deed Fee # 2005-29535.
 - The Owner/developer shall dedicate via Warranty Deed to City of Yuma additional 40th Street right-of-way commencing at the Northwest corner of Assessor's Parcel Number (APN) 197-16-001, also being the point of intersection with the south right-of-way line of 40th Street and the east right-of-way line of the ASH highway; Thence South along the westerly property line also being the ASH highway right-of-way line a distance of 95.00 feet; Thence easterly along a line parallel to and 157.00 feet south of the North Section line of Section 16, a distance of 152.67 feet; Thence Northeasterly along a straight line, a distance of 651.42 feet to a point lying 62 feet south of the North section line of said Section 16, said point also lying on the north line of APN: 197-16-001; Thence Westerly along the North line of APN: 197-16-001 to the True Point of Beginning.
4. The Owner/developer shall dedicate a 1 ft non-access easement along the ASH and 40th street frontages except for approved access locations.
5. The Owner/developer shall construct sound attenuation walls along the ASH highway frontage as done similarly in the Ocotillo subdivisions, along the ASH Highway, within five (5) years of the effective date of the rezoning or issuance of a Certificate of Occupancy for the property, whichever occurs first.
6. The Owner/Developer shall make a payment in lieu for design and construction of 40th Street roadway from 6³/₄E westward to the west edge of property frontage. 40th Street improvements to consist of two travel lanes located on the south side of the road including ABC, pavement, curb, gutter, sidewalk/walking path, streetlights and landscaping per City construction standards.

SECTION 3: With the exception of Conditions 2 and 5, 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 _____, 2025.

APPROVED:

Douglas J. Nicholls
Mayor

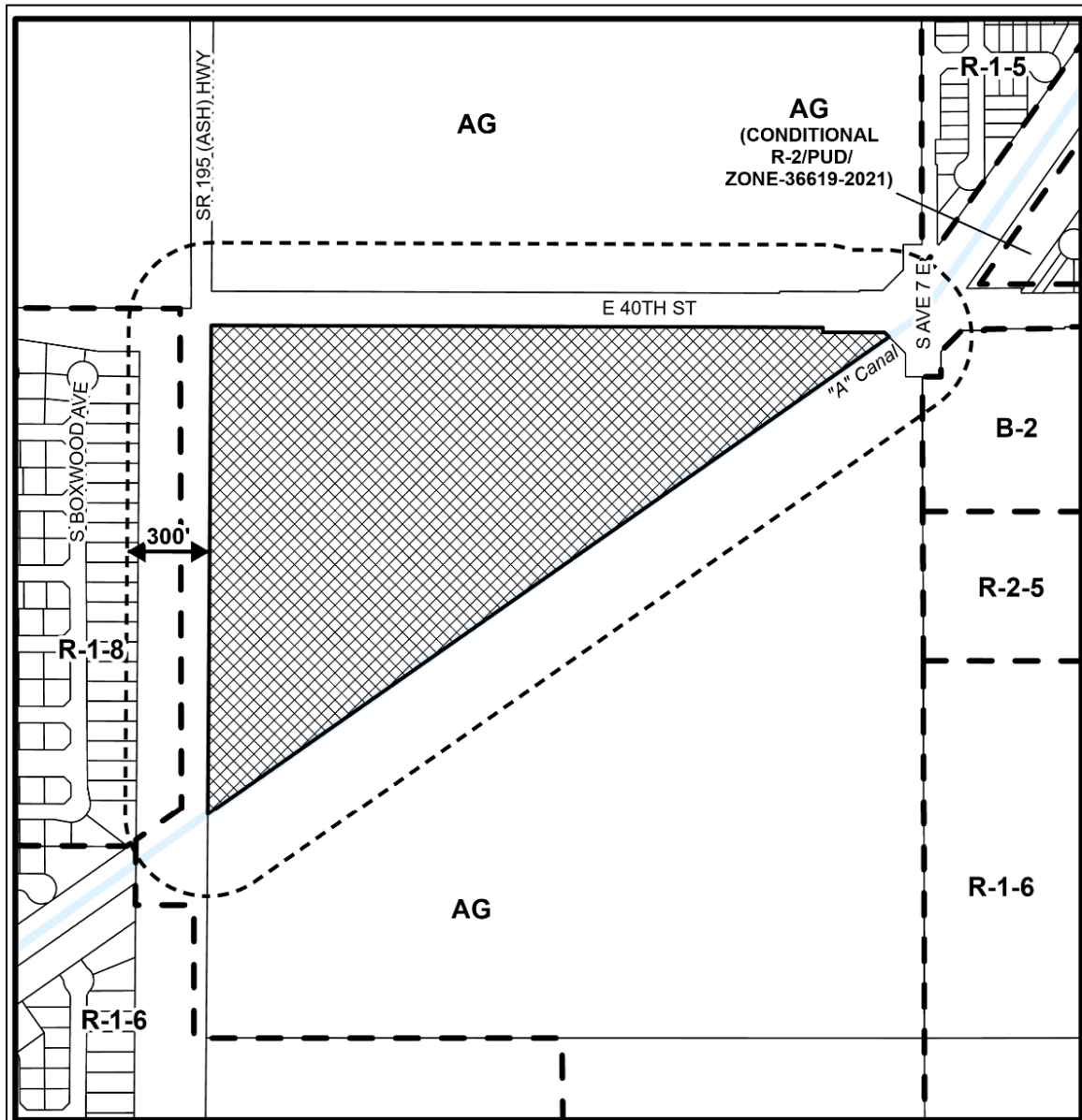
ATTESTED:

Lynda L. Bushong
City Clerk

APPROVED AS TO FORM:

Richard W. Files
City Attorney

Exhibit A



LOCATION MAP



LOCATION OF SUBJECT PROPERTY



Prepared by: DG

Checked by: AD



Community Planning and
Neighborhood Services GIS

Date: 3/7/2025

Revised:

Revised:

Case #:

ZONE-43816-2025