

ORDINANCE NO. O2025-011

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF YUMA, ARIZONA, AMENDING ORDINANCE O2003-12 TO REMOVE CONDITION 4, REVISE CONDITIONS 2 & 6 AND TO EXTEND THE TIME FOR COMPLIANCE WITH CONDITIONS FOR THE REZONING OF CERTAIN PROPERTY FROM THE AGRICULTURE (AG) DISTRICT TO THE LIMITED COMMERCIAL (B-1) DISTRICT AND AMENDING THE ZONING MAP TO CONFORM THERETO

WHEREAS, the City Council adopted Ordinance O2003-12 on March 19, 2003 rezoning certain properties subject to conditions which have not been fully met; and,

WHEREAS, pursuant to Arizona Revised Statutes (A.R.S.) § 9-462.01 and Ordinance No. O2003-12, a statutory compliance hearing was held on April 02, 2025 and this amendment to Ordinance No. O2003-12 was introduced; and,

WHEREAS, the City seeks to resolve the outstanding conditions to bring the property into compliance with the rezoning to the Limited Commercial (B-1) District; and,

WHEREAS, Condition 2 is modified so as to be addressed during the actual development, Condition 6 is updated to the present day right-of-way policies, Condition 4 is no longer necessary or desirable, and the timeframe for completion needs to be extended, all in Ordinance No. O2003-12,

NOW THEREFORE, BE IT ORDAINED by the City Council of the City of Yuma as follows:

SECTION 1: Condition 4 in Section 2 of Ordinance No. O2003-12 is hereby deleted.

The revised Conditions 2 & 6 in Ordinance No. 2003-12 would be as follows:

2. A Traffic Impact Analysis (traffic study) ~~shall be conducted in accordance with City of Yuma Construction Standard No. 2-100 and the latest edition of the ADOT Traffic Impact Analysis for the proposed development;~~ **will be required at the time of development if the proposed development meets the thresholds/requirements of City Standard 2-040.** All suggested improvements outlined by the Traffic Impact Analysis shall be constructed by the applicant.

6. One hundred foot (100') half-width roadway easement for 32nd Street shall be converted into fee title right-of-way dedicated to the City of Yuma; **then implement a right-of-way exchange agreement, with the City of Yuma keeping the south 80 feet and abandoning the north 20 feet to the adjacent property while reserving an easement for any utilities in that 20 feet.**

The subsection following Condition 6 in Ordinance No. 2003-12 would be reworded as follows:

Each of the conditions listed above shall be completed within ~~three (3)~~ **twenty-seven (27)** years of the effective date of the rezoning ordinance or as provided for in a development agreement. In the event the conditions are not completed within this time frame, the applicable rezoning shall be null and void.

SECTION 3: Subject to this amendment, Ordinance No. O2003-12 shall remain in full force and effect.

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