

ORDINANCE NO. O2024-008

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 MEDIUM DENSITY RESIDENTIAL (R-2) 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 December 11, 2023 in Zoning Case no: ZONE-41394-2023 in the manner prescribed by law for the purpose of rezoning parcels 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 November 13, 2023; and,

WHEREAS, the City Council has considered the recommendation of the Planning and Zoning Commission to approve the rezoning in Case No: ZONE-41394-2023 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: The following described real property, depicted in Exhibit A, attached:

That portion of the Northeast quarter of the Southwest quarter of Section 20, Township 8 South, Range 23 West, Gila and Salt River Base and Meridian, Yuma County, Arizona, more particularly described as follows:

Beginning at the midsection line monument (Found 3" Brass Cap "LS 19329) at the intersection of 4th (Jessie) Street and Magnolia Avenue with a Basis of Bearings to the midsection line monument (Found 3" Brass Cap "LS 38886, 2009" flush with AC) at the intersection of 5th (Pearl) Street and Magnolia Avenue of South 00°00'00" East;

thence South 00°00'00" East along said midsection line a distance of 379.96 feet;

thence North 89°58'18" West a distance of 43.19 feet to a point on the West Right-of-Way line of Magnolia Avenue and the TRUE POINT OF BEGINNING;

thence South 00°00'31" West parallel to and 40.00 feet West of the centerline of Magnolia Avenue a distance of 99.99 feet;

thence North 89°58'04" West along the South line of the North half of Lots 5 and 8 of Block 27 of Townsend Tract as recorded in Book 1 of Plats, Page 14, Records of Yuma County a distance of 338.88 feet;

thence North 00°00'49" East along the centerline of vacated Olive Avenue of said Townsend Tract a distance of 149.96 feet;

thence South 89°58'18" East along the North line of Lots 4 and 9 of said Townsend Tract a distance of 338.86 feet to a point on the West Right-of-Way line of Magnolia Avenue;

thence South 00°00'31" West parallel to and 40.00 feet West of the centerline of Magnolia Avenue a distance of 49.99 feet to the TRUE POINT OF BEGINNING;

Aforementioned area contains 50,820 square feet, 1.1667 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, and

SECTION 2: 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 shall constitute a waiver of any claims for diminution in value pursuant to A.R.S. §12-1134.

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 or 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 _____, 2024.

APPROVED:

Douglas J. Nicholls
Mayor

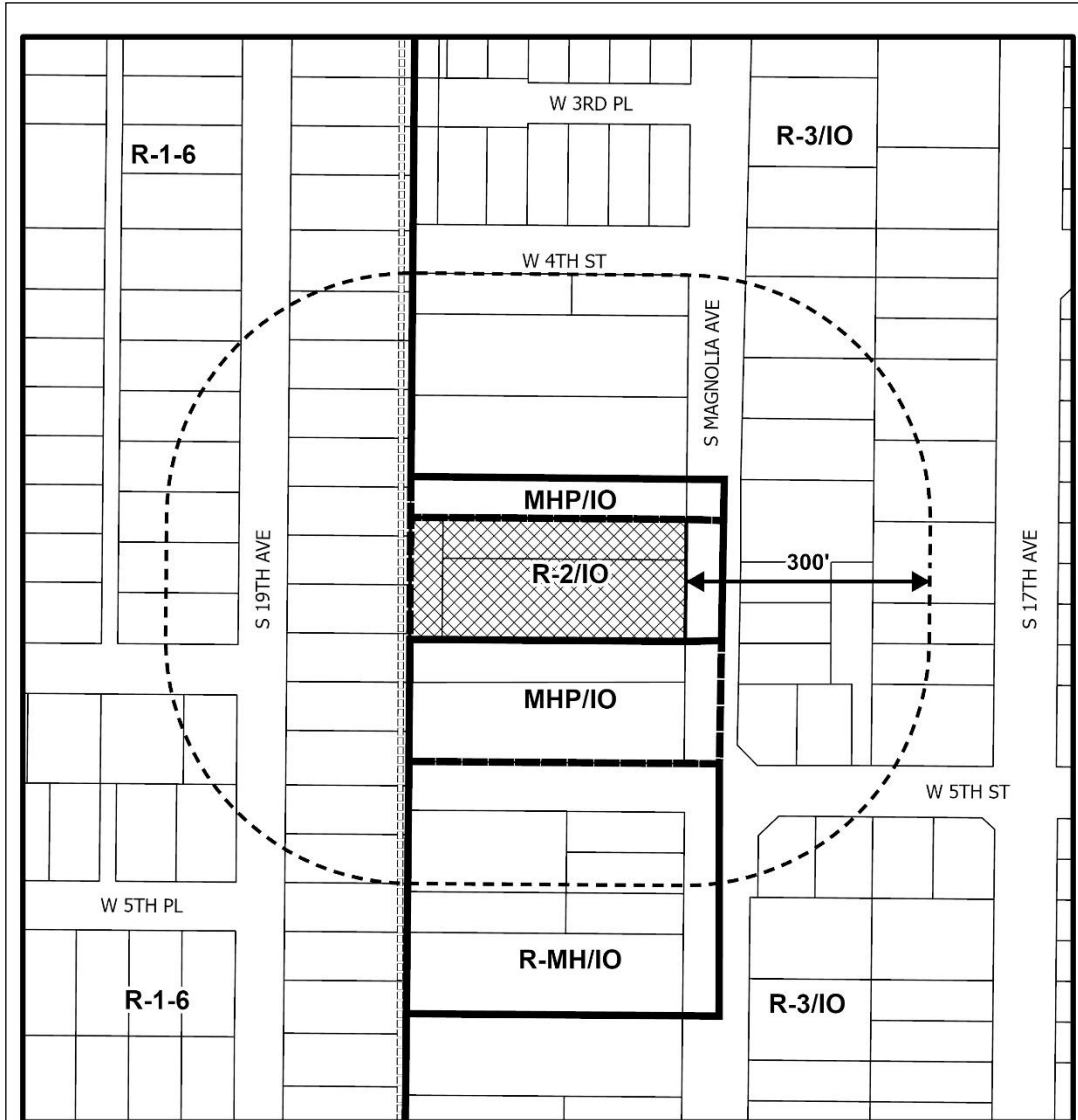
ATTESTED:

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: JLA



Date: 10/26/2023

Revised:

Revised:

Case #:

ZONE-41394-2023