

ORDINANCE NO. O2024-017

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF YUMA, ARIZONA, AMENDING CHAPTER 154 OF THE YUMA CITY CODE, REZONING CERTAIN PROPERTIES LOCATED IN THE AGRICULTURE (AG) DISTRICT TO THE LOW DENSITY RESIDENTIAL (R-1-6, R-1-8, AND R-1-12) DISTRICTS AND AMENDING THE ZONING MAP TO CONFORM WITH THE REZONING

WHEREAS, the City of Yuma Planning and Zoning Commission held a public hearing on March 25, 2024 in Zoning Case no: ZONE-42218-2024 in the manner prescribed by law for the purpose of rezoning two parcels of real property hereafter described to the Low Density Residential (R-1-6, R-1-8, and R-1-12) Districts 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 March 1, 2024; and,

WHEREAS, the City Council has considered the recommendation of the Planning and Zoning Commission to approve the rezoning in Case No: ZONE-42218-2024 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 West half of the Northwest quarter of Section 21, Township 9 South, range 22 West of the Gila and Salt River Base and Median, Yuma County, Arizona more particularly described as follows:

Beginning at the Northwest corner of the Northwest quarter of said Section 21;

Thence North 89°52'01" East along the North line of the Northwest quarter of said Section 21 a distance of 1,325.84 feet to the Northeast corner of the West half of the Northwest quarter of said Section 21;

Thence South 00°40'40" East along the East line of the West half of the Northwest quarter of said Section 21 a distance of 1,108.47 feet;

Thence South 89°16'56" West perpendicular to the West line of the Northwest quarter of said Section 21 a distance of 1,325.00 feet to the West line of the Northwest quarter of said Section 21;

Thence North 00°43'04" West along the West line of the Northwest quarter of said Section 21 a distance of 1,122.00 feet to the POINT OF BEGINNING;

Said parcel contains 33.9 acres, more or less.

shall be placed in the Low Density Residential (R-1-6) 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 Low Density Residential (R-1-6) 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 Low Density Residential (R-1-6) District, and

That portion of the West half of the Northwest quarter of Section 21, Township 9 South, Range 22 West of the Gila and Salt River Base and Median, Yuma County, Arizona, more particularly described as follows:

Beginning at the Northwest corner of the Northwest quarter of said Section 21;

Thence South 00°43'04" East along the West line of the Northwest quarter of said Section 21 a distance of 1,122 feet to the TRUE POINT OF BEGINNING;

Thence North 89°16'56" East perpendicular to the West line of the Northwest quarter of said Section 21 a distance of 1,325.00 feet to the East line of the West half of the Northwest quarter of said Section 21;

Thence South 00°40'40" East along the East line of the West line of the Northwest quarter of Section 21 a distance of 1,183.00 feet;

Thence South 89°16'56" West perpendicular to the West line of the Northwest quarter of said Section 21 a distance of 178.17 feet;

Thence North 00°43'04" West parallel with and 1,146.00 feet easterly of the West line of the Northwest quarter of said Section 21 a distance of 71.00 feet;

Thence South 89° 16'56" West perpendicular to the West line of the Northwest quarter of said Section 21 a distance of 929.00 feet;

Thence South 00°43'04" East parallel with and 217.00 feet easterly of the West line of the Northwest quarter of said Section 21 a distance of 45.00 feet;

Thence South 89°16'56" West perpendicular to the West line of the Northwest quarter of said Section 21 a distance of 217.00 to the West line of the Northwest quarter of said Section 21;

Thence North 00°43'04" West along the West line of the Northwest quarter of said Section 21 a distance of 1,157.00 feet to the TRUE POINT OF BEGINNING;

Said parcel contains 34.3 acres, more or less

shall be placed in the Low Density Residential (R-1-8) 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 Low Density Residential (R-1-8) 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 Low Density Residential (R-1-8) District, and

That portion of the West half of the Northwest quarter of Section 21, Township 9 South, Range 22 West of the Gila and Salt River Base and Meridian, Yuma County, Arizona more particularly described as follows:

Beginning at the Northwest corner of the Northwest quarter of said Section 21;

Thence South 00°43'04" East along the West line of the Northwest quarter of said Section 21 a distance of 2,279.00 feet to the TRUE POINT OF BEGINNING;

Thence North 89°16'56" East perpendicular to the West line of the Northwest quarter of said Section 21 a distance of 217.00 feet;

Thence North 00°43'04" West parallel with and 217.00 feet easterly of the West line of the Northwest quarter of said Section 21 a distance of 45.00 feet;

Thence North 89°16'56" East perpendicular to the West line of the Northwest quarter of said Section 21 a distance of 929.00 feet;

Thence South 00°43'04" East parallel with and 1,146.00 feet easterly of the West line of the Northwest quarter of said Section 21 a distance of 71.00 feet;

Thence North 89°16'56" East perpendicular to the West line of the Northwest quarter of said section 21 a distance of 178.17 feet to the East line of the West half of the Northwest quarter of said section 21;

Thence South 00°40'40" East along the East line of the West half of the Northwest quarter of said Section 21 a distance of 245.47 feet to a point 100.00 feet northerly of the South line of the Northwest quarter of said Section 21;

Thence South 89°59'51" West parallel with and 100.00 feet northerly of the South line of the Northwest quarter of said Section 21 a distance of 1,324.10 feet to the West line of the Northwest quarter of said Section 21;

Thence North 00°43'04" West along the West line of the Northwest quarter of said Section 21 a distance of 254.94 feet to the TRUE POINT OF BEGINNING;

Said parcel contains 8.8 acres, more or less.

shall be placed in the Low Density Residential (R-1-12) 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 Low Density Residential (R-1-12) 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 Low Density Residential (R-1-12) District.

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.
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. Sound attenuation will need to be incorporated into the design of each residence to meet the minimum standards set forth in A.R.S. § 28-8482(B).
5. The Owner/Developer shall dedicate an additional 7 feet right-of-way along Ave 6E frontage such that a 40 foot half width is obtained consistent with a 2-Lane Collector Street.
6. The Owner/Developer shall dedicate an additional 17 feet of right-of-way, such that the City obtains 50 feet of half width right-of-way along 48th Street frontage consistent with a Minor Arterial Street.
7. The Owner/Developer shall dedicate additional intersection r-o-w at the southeast corner of Avenue 6E & 48th Street to accommodate a north to east turn lane, and corner triangle.

SECTION 3: With the exception of Condition 4, 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

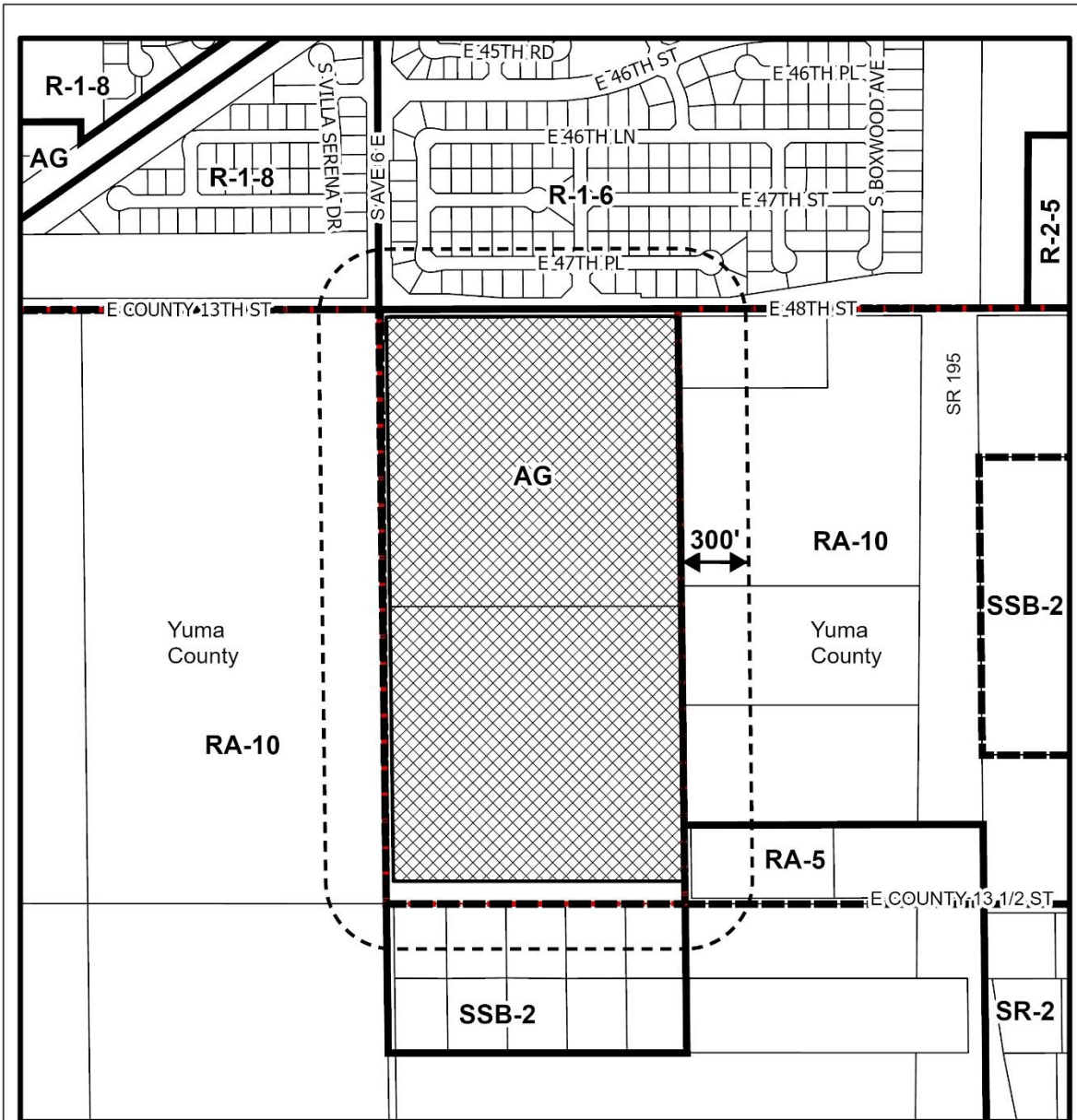
ATTESTED:

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: AL



Date: 2/5/2024
Revised:
Revised:

Case #:
ZONE-42218-2024