

ORDINANCE NO. 1567

AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF THE CITY OF APACHE JUNCTION, ARIZONA, AMENDING THE APACHE JUNCTION, ARIZONA, ZONING ORDINANCE, BY AMENDING THE ZONING DISTRICT MAP, CITY OF APACHE JUNCTION, ARIZONA, CHANGING THE ZONING DISTRICT CLASSIFICATION FOR THE PROPERTY DESCRIBED IN REZONING CASE P-24-114-PZ, REQUESTED BY HERMELINDA PANDO OF HERMELINDA PROPERTIES, LLC, FROM MEDIUM DENSITY SINGLE-FAMILY DETACHED RESIDENTIAL ("RS-10M") TO HIGH DENSITY MULTIPLE-FAMILY RESIDENTIAL BY PLANNED DEVELOPMENT ("RM-1/PD") AND APPROVING A MINOR GENERAL PLAN AMENDMENT CHANGING THE LAND USE DESIGNATION FROM MEDIUM DENSITY RESIDENTIAL TO HIGH DENSITY RESIDENTIAL; REPEALING ANY CONFLICTING PROVISIONS; AND PROVIDING FOR SEVERABILITY.

WHEREAS, 282 N. Palo Verde Drive (Pinal County Assessor Parcel Number 101-02-0050) is a legal non-conforming property (the "Property") that was developed for multi-family residential use in 1950, but is currently zoned for single-family residential usage; and

WHEREAS, the applicant seeks to correct the zoning non-conformity so that the west building can be replaced with a new four-plex; and

WHEREAS, the Property is designated "Medium Density Residential" by the city's general plan and the requested rezoning by planned development requires a minor general plan amendment to "High Density Residential"; and

WHEREAS, on August 26, 2025, the Apache Junction planning and zoning commission recommended in a vote of 6:0 to approve rezoning case number P-24-114-PZ to city council; and

WHEREAS, pursuant to A.R.S. § 9-462.01(J), the city council, before adopting any zoning ordinance or text amendment of general applicability, shall consider the probable impact the proposed zoning ordinance or text amendment would have on the cost to construct housing for sale or rent; and

WHEREAS, the city council has determined the adoption of this ordinance will have no negative impact on the cost to construct housing for sale or rent as delineated under A.R.S. § 9-462.01(J).

NOW THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF APACHE JUNCTION, ARIZONA, AS FOLLOWS:

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SECTION I IN GENERAL

The zoning district classification on the zoning district map for the Property legally described as:

APN 101-02-0050

Lot 9, Block 1, Amended Plat of Newtown, according to the plat of record in the office of the County Recorder of Pinal County, Arizona, in Book 5 of Maps, page 23A;

be and hereby is amended from Medium Density Single-Family Detached Residential ("RS-10M") to High Density Multiple-Family Residential by Planned Development ("RM-1/PD"); and the general plan land use designation of the same property be and hereby is amended from Medium Density Residential to High Density Residential subject to the following conditions of approval:

- 1) The project shall be developed in accordance with the plans approved and associated with case P-24-114-PZ and all provisions of the zoning ordinance and city codes applicable to this case.
- 2) An eight foot (8') tall opaque screen wall shall be installed along the north, west and south property borders as proposed in the P-24-114-PZ site plan.
- 3) All applicable permits shall be applied for and plans shall be designed to current city code provisions prior to construction.
- 4) The minimum side setback shall be reduced to five feet (5') with the minimum rear setback being reduced to ten feet (10').
- 5) The existing duplexes shall also be kept in proper repair and upkeep, and shall be painted to complement the new building and refresh the appearance with the improvement of the rest of the property.

SECTION II REPEALING ANY CONFLICTING PROVISIONS

All ordinances and parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION III PROVIDING FOR SEVERABILITY

If any section, subsection, sentence, phrase, clause or portion of this ordinance, or any part of the code adopted herein by reference is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions thereof.

PASSED AND ADOPTED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF APACHE JUNCTION, ARIZONA, THIS _____ DAY OF _____, 2025.

SIGNED AND ATTESTED TO THIS _____ DAY OF _____, 2025.

WALTER "CHIP" WILSON
Mayor

ATTEST:

EVIE MCKINNEY
City Clerk

APPROVED AS TO FORM:

RICHARD JOEL STERN
City Attorney