

ORDINANCE NO. 1547

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 A PROPOSED NEW RENTAL COMMUNITY TO BE NAMED "SILVERAY" LOCATED ON THE PROPERTY DESCRIBED IN REZONING CASE P-23-63-PZ FROM GENERAL COMMERCIAL BY PLANNED DEVELOPMENT ("B-1/PD") AND B-1/PD TO HIGH DENSITY MULTIPLE-FAMILY RESIDENTIAL BY PLANNED DEVELOPMENT ("RM-2/PD"); ADOPTING BY REFERENCE THAT CERTAIN DOCUMENT TITLED "LEGAL DESCRIPTIONS AND ZONING CONDITIONS OF CASE NO. P-23-63-PZ; REPEALING ANY CONFLICTING PROVISIONS; AND PROVIDING FOR SEVERABILITY.

WHEREAS, the Silveray subject site is comprised of seven (7) parcels: Pinal County Assessor Parcel Nos. 103-01-0110, 103-01-0130, 103-01-0140, 103-01-0150, 103-01-0160, 103-01-0170, 103-01-0180; and

WHEREAS, the subject site is currently located within the Superstition Falls Commercial Subdivision; and

WHEREAS, the subject site is bifurcated by a privately owned roadway known as "Resort Boulevard" and is currently governed by two previously adopted ordinances in 2000, Ordinance No. 1144 and Ordinance No. 1146; and

WHEREAS, Ordinance No. 1144, which governs the parcels north of Resort Boulevard, approved a development plan for a commercial center, which has yet to be fully developed; and

WHEREAS, Ordinance No. 1146, which governs the parcel south of Resort Boulevard, approved a 60-bed hospital campus, which has also yet to come to pass; and

WHEREAS, the applicant applied for a rezoning of all seven parcels to construct approximately 271 rental units; and

WHEREAS, on April 23, 2024, the Apache Junction planning and zoning commission voted 4:3 to recommend approval of rezoning case P-23-63-PZ; 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 or text amendment 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); and

WHEREAS, A.R.S. § 9-802 permits municipalities to enact the provisions of a code or public record theretofore in existence without setting forth such provisions in full text as long as the adopting ordinance is published in full text and at least one paper copy of the code changes or public record are filed in the office of the clerk of the municipality and an electronic copy is accessible on the city's website and made available for public inspection.

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

SECTION I IN GENERAL

1. That the planned development rezoning, as recommended by the city council in case P-23-63-PZ, is approved with conditions adopting by reference pursuant to Section 2 below.
2. That certain document entitled "Legal Descriptions and zoning conditions of case no. P-23-63-PZ", one paper copy filed in the office of the city clerk and one electronic copy accessible on the city's website, with such document declared a public record by Resolution No. 24-08 of the City of Apache Junction, is hereby referred to, adopted by reference and made a part hereof as if fully set out in this ordinance, pursuant to A.R.S. § 9-802.

SECTION II REPEALING ANY CONFLICTING PROVISIONS

All ordinances and parts of ordinances in conflict with the provisions of this ordinance or any part of the codes adopted herein by reference 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 codes or regulations 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 _____, 2024.

SIGNED AND ATTESTED TO THIS _____ DAY OF _____, 2024.

WALTER "CHIP" WILSON
Mayor

ATTEST:

JENNIFER PENA
City Clerk

APPROVED AS TO FORM:

RICHARD JOEL STERN
City Attorney