

ORDINANCE NO. 1536

AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF THE CITY OF APACHE JUNCTION, ARIZONA, APPROVING A REZONING BY PLANNED DEVELOPMENT AS DESCRIBED IN CASE P-22-130-PZ, AS REQUESTED BY JOHN FOX OF WILLIAM SEYMOUR CO., INC.; ADOPTING BY REFERENCE THAT CERTAIN DOCUMENT ENTITLED "LEGAL DESCRIPTIONS AND ZONING CONDITIONS OF CASE NO. P-22-130-PZ AUTHORIZED UNDER ORDINANCE NO. 1536"; REPEALING ANY CONFLICTING PROVISIONS; AND PROVIDING FOR SEVERABILITY.

WHEREAS, John Fox of William Seymour Co., Inc. submitted a rezoning request by planned development approving the use of a 16-unit two-story duplex community on the property described in case P-22-130-PZ; and

WHEREAS, on June 27, 2023, the Apache Junction Planning and Zoning Commission held a public hearing and voted 6:0 to recommend approval of rezoning case P-22-130-PZ, subject to the conditions prescribed therein; and

WHEREAS, the city council hereby determines that the proposed rezoning by planned development request conforms to all of the general criteria as specified in Apache Junction City Code, Volume II, Land Development Code, Chapter 1: Zoning Ordinance, Article 1-4: Zoning Districts, Section 1-4-3, Planned Development ("PD") Overlay District, and Article 1-5: Zoning Bulk and Use Regulations (except as otherwise conditioned herein); 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); 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 rezoning as recommended by the planning and zoning commission for case P-22-130-PZ, is approved with conditions incorporated by reference in number 2 below.
2. That certain document entitled "Legal Descriptions and Zoning Conditions of Case No. P-22-130-PZ authorized under Ordinance No. 1536", one paper copy and one electronic copy which are accessible on the city's website and filed in the office of the city clerk, which document was made a public record by Resolution No. 23-18 of the City of Apache Junction, is hereby referred to, adopted 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 are hereby repealed.

SECTION III PROVIDING FOR SEVERABILITY:

If any section, subsection, sentence, phrase, clause or portion of this ordinance 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 1ST DAY OF AUGUST, 2023.

SIGNED AND ATTESTED TO THIS _____ DAY OF _____, 2023.

WALTER "CHIP" WILSON
Mayor

ATTEST:

JENNIFER PENA
City Clerk

APPROVED AS TO FORM:

RICHARD JOEL STERN
City Attorney