

ORDINANCE NO. 1545

AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF THE CITY OF APACHE JUNCTION, ARIZONA, AMENDING APACHE JUNCTION CITY CODE, VOLUME II, LAND DEVELOPMENT CODE, CHAPTER 1: ZONING ORDINANCE, BY REPEALING AND REPLACING PORTIONS OF ARTICLE 1-6: SUPPLEMENTAL REGULATIONS AND ARTICLE 1-8: LANDSCAPE REGULATIONS; AND BY ADOPTING BY REFERENCE THAT CERTAIN DOCUMENT ENTITLED "2024 AMENDMENTS TO THE APACHE JUNCTION CITY CODE, VOLUME II, LAND DEVELOPMENT CODE, CHAPTER 1: ZONING ORDINANCE, ARTICLE 1-6 SUPPLEMENTAL REGULATIONS, § 1-6-3 FENCES AND WALLS; AND ARTICLE 1-8: LANDSCAPE REGULATIONS, § 1-8-6 LANDSCAPE STANDARDS"; REPEALING ANY CONFLICTING PROVISIONS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR PENALTIES.

WHEREAS, on December 13, 2022, the planning and zoning commission gave direction to staff to review the permitted fence and wall materials in all zoning districts; and

WHEREAS, on February 27, 2024, the Planning and Zoning Commission voted 6-0 to recommend approval to the City Council; and

WHEREAS, on March 18, 2024, the Council considered the matter at a work session and on April 2, 2024 a subsequent public hearing was held; and

WHEREAS, city staff has determined that for administrative efficiency, it is more appropriate to update the city code by adopting by reference a revised version of the Apache Junction City Code, Volume II, Land Development Code, Chapter 1: Zoning Ordinance, Article 1-6 Supplemental Regulations, § 1-6-3 Fences and Walls and Article 1-8: Landscape Regulations, § 1-8-6 Landscape Standards.

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

SECTION I IN GENERAL

1. That the existing Apache Junction City Code, Volume II, Land Development Code, Chapter 1: Zoning Ordinance, Article 1-6 Supplemental Regulations, § 1-6-3 Fences and Walls and Article 1-8: Landscape Regulations, § 1-8-6 Landscape Standards be amended as referenced in the document noted in #2.

2. That certain document known as the "2024 Amendments to the Apache Junction City Code, Volume II, Land Development Code, Chapter 1: Zoning Ordinance, Article 1-6 Supplemental Regulations, § 1-6-3 Fences and Walls and Article 1-8: Landscape Regulations, § 1-8-6 Landscape Standards", at least three paper copies, or one paper copy and one electronic copy which are accessible on the city's website (www.apachejunctionaz.gov) and filed in the office of the city clerk of the City of Apache Junction, which document was made a public record by Resolution No. 24-03, 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 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.

SECTION IV PROVIDING FOR PENALTIES

Unless noted otherwise, any violation of any provisions adopted herein, shall be punishable as a class 1 misdemeanor consistent with Apache Junction City Code, Volume 1, Chapter 1: GENERAL, Article 1-8: PENALTY.

APPROVED AND ADOPTED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF APACHE JUNCTION 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 J. STERN
City Attorney