ORDINANCE NO. 1557

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, ARTICLE 1-16: ADMINISTRATION, BY AMENDING THE TABLE OF SECTIONS, § 1-16-6 (J) PROTESTS AGAINST ZONING MAP AMENDMENT, AND ADDING NEW § 1-16-17 APPLICATION REVIEW TIMELINE; REPEALING ANY CONFLICTING PROVISIONS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR PENALTIES.

WHEREAS, the Arizona State Legislature approved Senate Bill 1162, requiring municipalities to amend their zoning ordinances to create a zoning application review timeline and exclude government-owned properties from the affected zoning area when calculating zoning protest petitions; and

WHEREAS, the planning and zoning commission recommended to the city council on October 8, 2024, in a vote of 6:0, to approve a zoning code amendment to comply with the new state law; and

WHEREAS, pursuant to A.R.S. \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. Being a mandate by the state legislature, the council finds this enactment has no such impact.

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. The Table of Sections under Article 1-16: Administration, Apache Junction City Code, Volume II, Land Development Code, is amended as follows:

ARTICLE 1-16: ADMINISTRATION Section

1-16-1	Development	Services	Department	and	Zoning
	Administrator				
1-16-2	Planning and	Zoning Co	mmission		

1-16-3 City Council

1-16-4 Board of Adjustment and Appeals
1-16-5 Appeal and variance procedures

1-16-6 Amendments to Zoning Code or Zoning Map

1-16-7	Public hearings, notice and citizen review			
	processes			
1-16-8	Preliminary development review processes (PDR)			
1-16-9	Site plan review and approval process			
1-16-10	Annexation process			
1-16-11	Amendments to the General Plan			
1-16-12	Conditional use permits, administrative use			
	permits and building permits			
1-16-13	Development agreements			
1-16-14	Administrative relief exceptions			
1-16-15	Fees			
1-16-16	Violations, penalties and enforcement			

- 2. Existing Apache Junction City Code, Volume II, <u>Land</u>
 <u>Development Code</u>, Chapter 1: <u>Zoning Ordinance</u>, Article 1-16:
 <u>Administration</u>, § 1-16-6 (J) <u>Protests Against Zoning Map</u>
 <u>Amendment</u>, is amended as follows:
 - § 1-16-6 AMENDMENTS TO ZONING CODE OR ZONING MAP
 - (J) Protests against Zoning Map amendment.

1-16-17 Application Review Timeline

- (1) If the owners of 20% or more either of the area of the lots included in a proposed Zoning Map amendment, or of those immediately adjacent in the rear or any side thereof extending 150 feet therefrom, or of those directly opposite thereto extending 150 feet from the street frontage of the opposite lots, excluding government-owned properties, file a protest in writing against a proposed amendment, it shall not become effective except by the favorable vote of 3/4 of all members of the council. If any members of the council are unable to vote on such a question because of a conflict of interest, the required number of votes for passage of the question shall be 3/4 of the remaining membership of the council, provided that such required number of votes shall in no event be less than a majority of the full membership of the legally established council.
- 3. Existing Apache Junction City Code, Volume II, <u>Land</u>
 <u>Development Code</u>, Chapter 1: <u>Zoning Ordinance</u>, Article 1-16:
 <u>Administration</u>, is amended by adding new § 1-16-17
 <u>Application Review Timeline</u>, as follows:

§ 1-16-17 APPLICATION REVIEW TIMELINE

- (A) The Review Timeline does not apply to planned area developments.
- (B) The city shall issue an applicant a written or electronic notice of administrative completeness or deficiencies within 30 calendar days.
- (C) If the city fails to issue the notice within 30 calendar days, the application shall be considered administratively complete.
- (D) Resubmittals will be determined for administrative completeness within 15 calendar days after receiving the requested documents.
- (E) When the application is administratively complete, the city shall approve or deny it within 180 calendar days.
- (F) Extension. The city may allow an extension beyond 180 calendar days for the following reasons:
 - 1. The city may have a one-time extension of no more than 30 calendar days for extenuating circumstances.
 - 2. If the applicant requests an extension, the city may grant extensions in 30 calendar day intervals.

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 II, Chapter 1: Zoning Ordinance, Article 1-16: Administration, § 1-16-16 Violations, Penalties and Enforcement.

APPROVED AND ADOPTED BY THE MAY APACHE JUNCTION THIS DAY C	YOR AND CITY COUNCIL OF THE CITY OF, 2024.
SIGNED AND ATTESTED TO THIS	DAY OF, 2024.
ATTEST:	WALTER "CHIP" WILSON Mayor
JENNIFER PENA City Clerk	
APPROVED AS TO FORM:	
RICHARD J. STERN City Attorney	