

ORDINANCE NO. 1574

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-25-59-PZ, A REQUEST BY DIAMANTE HOMES, INC., REPRESENTED BY BRENNAN RAY OF RAY LAW FIRM, FROM HIGH DENSITY MULTIPLE-FAMILY RESIDENTIAL BY PLANNED DEVELOPMENT ("RM-1/PD"), GENERAL COMMERCIAL ("B-1"), AND GENERAL RURAL LOW DENSITY SINGLE-FAMILY DETACHED RESIDENTIAL ("RS-GR") TO HIGH DENSITY MULTIPLE-FAMILY RESIDENTIAL BY PLANNED DEVELOPMENT ("RM-2/PD") AND A MINOR GENERAL PLAN AMENDMENT FROM COMMERCIAL TO HIGH DENSITY RESIDENTIAL; REPEALING ANY CONFLICTING PROVISIONS; AND PROVIDING FOR SEVERABILITY.

WHEREAS, on March 24, 2026, the Apache Junction planning and zoning commission recommended in a vote of 4:3 to approve rezoning case No. P-25-59-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 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).

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

SECTION I IN GENERAL

The zoning district classification on the zoning district map for the parcel of land legally described as:

Parcel 1 (103-21-025F): The North Half of the Northwest Quarter of the Southeast Quarter of the Southwest Quarter of the Southeast Quarter of Section 27, Township 1 North, Range 8 East of the Gila and Salt River Base and Meridian, Pinal County, Arizona; Except the West 33.00 Feet deeded to the City of Apache Junction; and

Parcel 2 (103-21-025G): The South Half of the Northwest Quarter of the Southeast Quarter of the Southwest Quarter of the Southeast Quarter of Section 27, Township 1 North, Range 8 East of the Gila and Salt River Base and Meridian, Pinal County, Arizona; Except the West 33.00 Feet deeded to the City of Apache Junction; and

Parcel 3 (103-21-025H): The North Half of the Southwest Quarter of the Southeast Quarter of the Southwest Quarter of the Southeast Quarter of Section 27, Township 1 North, Range 8 East of the Gila and Salt River Base and Meridian, Pinal County, Arizona; Except the West 33.00 Feet deeded to the City of Apache Junction.

Parcel 4 (103-21-025E): The South Half of the Southwest Quarter of the Southeast Quarter of the Southwest Quarter of the Southeast Quarter of Section 27, Township 1 North, Range 8 East of the Gila and Salt River Base and Meridian, Pinal County, Arizona; Except the West 33.00 Feet and the South 50.00 Feet deeded to the City of Apache Junction.

Parcel 5 (103-21-026E): That part of the North Half of the Northeast Quarter of the Southeast Quarter of the Southwest Quarter of the Southeast Quarter of Section 27, Township 1 North, Range 8 East of the Gila and Salt River Base and Meridian, Pinal County, Arizona, lying South of Highway 60, 70, 80 and 89; Except the East 33 Feet Thereof; And excepting therefrom all coal, oil, gas and other mineral deposits, as reserved in the Patent recorded in Docket 210, Page 132.

Parcel 6 (103-21-026G): The South Half of the Northeast Quarter of the Southeast Quarter of the Southwest Quarter of the Southeast Quarter of Section 27, Township 1 North, Range 8 East of the Gila And Salt River Base And Meridian, Pinal County, Arizona; Except the East 33 Feet thereof; And excepting therefrom all coal, oil, gas and other mineral deposits, as reserved in the patent recorded in Docket 210, Page 132; and

Parcel 7 (103-21-026C): The North Half of the Southeast Quarter of the Southeast Quarter of the Southwest Quarter of the Southeast Quarter of Section 27, Township 1 North, Range 8 East, of the Gila and Salt River Base and Meridian, Pinal County, Arizona. Except all coal and other mineral deposits as reserved by the United States of America in the patent to said land.

Parcel 8 (103-21-026F): The South Half of the Southeast Quarter of the Southeast Quarter of the Southwest Quarter of the Southeast Quarter of Section 27, Township 1 North, Range 8 East of the Gila and Salt River Base and Meridian, Pinal County, Arizona; Except the East 33 Feet and the South 50 Feet thereof; And excepting therefrom all coal, oil, gas and other mineral deposits, as reserved in the patent recorded in Docket 210, Page 132.

be and hereby is amended from High Density Multiple-Family Residential by Planned Development ("RM-1/PD"), General Commercial ("B-1"), and General Rural Low Density Single-Family Detached Residential ("RS-GR") to High Density Multiple-Family Residential by Planned Development ("RM-2/PD"), and General Plan "Commercial" land use designation of parcels 103-21-026E, 103-21-026G, 103-21-026C, and 103-21-026F be amended to "High Density Residential", subject to the following conditions of approval:

- 1) The development shall reflect substantial compliance and consistency with the city's zoning ordinance and the planned development plans presented in case P-25-59-PZ, incorporated by reference herein, and as otherwise specified through these conditions of approval.
- 2) The minimum street width shall be narrowed to 26'.
- 3) The community shall not be age-restricted.
- 4) The properties shall be subdivided through the platting process as proposed.
- 5) Appropriate dedications of public right-of-way shall be made as required by the City Engineer, as noted:
 1. Dedicate 20-ft by 20-ft as public right-of-way corner cutoffs at the intersections of Southern Ave & Acacia Rd and Southern Avenue & Starr Road.
 2. Dedicate the east 33' of Parcel 103-21-026C, along Starr Road as public right-of-way.
- 6) The developer's engineer shall meet the civil engineering improvement plans and document requirements, in accordance with the city's approved engineering standards that are in effect at the time of plan submittal.
- 7) All common and amenity areas within the proposed development, including perimeter walls and fences, and interior and exterior common area landscaping, shall be owned and maintained in good condition at all times by the home owners association.

- 8) Major deviations or proposed changes from the original plans associated with this case will require a major planned development amendment. The Director or their designee shall interpret the proposed modification to be significant/major if, in the Director or Designee's opinion, the quality of project design is diminished, the types of proposed land uses are significantly altered and/or the overall character of the project is contrary to the intent and spirit of the original City Council PD ordinance approval.
- 9) Staff shall work with developers to ascertain the possible change of the entrance/exit point from Acacia Road to Starr Road.

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 _____, 2026.

SIGNED AND ATTESTED TO THIS _____ DAY OF _____, 2026.

ATTEST: _____
WALTER "CHIP" WILSON
Mayor

EVIE MCKINNEY
City Clerk

APPROVED AS TO FORM:

RICHARD JOEL STERN
City Attorney