

ORDINANCE NO. 1537

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 1-7: PARKING, LOADING AND CIRCULATION REGULATIONS; AND BY ADOPTING BY REFERENCE THAT CERTAIN DOCUMENT ENTITLED "2023 AMENDMENTS TO THE APACHE JUNCTION CITY CODE, VOLUME II, LAND DEVELOPMENT CODE, CHAPTER 1: ZONING ORDINANCE, ARTICLE 1-7: PARKING, LOADING AND CIRCULATION REGULATIONS"; REPEALING ANY CONFLICTING PROVISIONS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR PENALTIES.

WHEREAS, on December 13, 2022, the planning and zoning commission directed staff to research and provide recommendations to modify the parking regulations of the Apache Junction City Code ("A.J.C.C."), Volume II, Land Development Code, Chapter 1: Zoning Ordinance, Article 1-7: Parking, Loading and Circulation Regulations, to address the parking of recreational vehicles with integrated horse trailers, guest parking, and other related parking requirements; and

WHEREAS, the planning and zoning commission met on February 14, 2023, April 11, 2023, and May 9, 2023 with a city council discussion on July 17, 2023 on the proposed amendments; and

WHEREAS, the planning and zoning commission also recommended to the city council on June 27, 2023, in a vote of 5:1, the approval of code language relating to the parking of vehicles with integrated horse trailers; and

WHEREAS, the planning and zoning commission also recommended to the city council on June 27, 2023, in a vote of 6:0, the approval of code language relating to guest, bicycle, motorcycle, electrical vehicle, and general accessible parking requirements; and

WHEREAS, Arizona Revised Statutes Annotated (hereinafter "A.R.S.") § 9-802 permits municipalities to enact the provisions of a code or public record 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 is filed with the city clerk and an electronic copy is accessible on the city's website, with both made available for public use and inspection; and

WHEREAS, pursuant to A.R.S. §§ 9-801(1) and 9-802, such codes include parking, loading and circulation regulations; and

WHEREAS, city staff has determined that for administrative efficiency and to reduce the publication costs, it is more appropriate to update the city code by adopting the affected text by reference; 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.

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 1-7: Parking, Loading and Circulation Regulations, be amended by repeal and replacement as referenced in the document noted in #2 below.
2. That certain document known as the "2023 Amendments to the Apache Junction City Code, Volume II, Land Development Code, Chapter 1: Zoning Ordinance, Article 1-7: Parking, Loading and Circulation Regulations", of which at least one paper copy is on file with the city clerk and one electronic copy of which is accessible on the city's website (www.apachejunctionaz.gov), and which document was made a public record by Resolution No. 23-19, 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 II, Chapter 1: Zoning Ordinance, Article 1-16: Administration, §1-16-16 Violations, Penalties and Enforcement.

APPROVED AND ADOPTED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF APACHE JUNCTION THIS ____ DAY OF _____, 2023.

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

WALTER "CHIP" WILSON
Mayor

ATTEST:

JENNIFER PENA
City Clerk

APPROVED AS TO FORM:

RICHARD J. STERN
City Attorney