



City of Apache Junction
Development Services Department



**PLANNING AND ZONING COMMISSION
PUBLIC HEARING STAFF REPORT**

DATE: April 5, 2017

CASE NUMBER: PZ-12-16

OWNER: Kathleen Pavicevic

REPRESENTATIVE: Law firm Fowler St. Clair represented by Brian C. Locker

REQUEST: Request to rezone a 1.2-acre property, from RM-2 (High Density Multiple-Family Residential) to RS-54/PD (Low Density Single-Family Residential by Planned Development). The rezoning proposes to allow horse privileges on the property that is currently developed with a conventional single-family home, on a lot less than 1.25 gross acres.

LOCATION: West of the northwest corner of E. Scenic Street and N. Cactus Road; a 1.2 gross acre parcel located at 980 E. Scenic Street, Pinal County Assessor parcel number 101-18-090.

**GENERAL PLAN/
ZONING DESIGNATION:** Low Density Residential; presently zoned RM-2.

SURROUNDING USES: North: Residential (zoned RS-GR; General Rural Single-Family Detached Residential);
South: Residential (zoned RM-2; High Density Multiple-family Residential Currently Superstition Skies Bar + Grill);
East: Residential (zoned RS-54M; Low

Density Single-Family
Residential);
West: Residential (zoned RM-2).

BACKGROUND

Current property owner Kathleen Pavicevic purchased the home February, 2015. She states that she was told it was a horse property. This issue was brought to city's attention when code compliance received a complaint of horses on the property. Planning staff took note that the property was neither zoned for horses or met the minimum lot size for horses on property. In 2015 a code case was filed (case #COD2015-02508) and notice sent out to Kathleen Pavicevic notifying her of the violation. The original zoning of the subject parcel 101-18-090 was CR-5 (High Density Multiple-Family Residential) until the adoption of the new zoning code in May 2014 converting the zoning to a similar designation, RM-2 (High Density Multiple-Family Residential). The non-conforming situation dates back to the city's incorporation. Essentially the lot is a non-conforming lot whether it was zoned CR-5 or RM-2 because a conventional single-family home, and horses on a lot smaller than 1.25 gross acres was never permitted. The conventional single-family home was constructed in 1977 according to Pinal County Assessor, before city's incorporation which allows the home to be grandfathered in, but still does not allow horses on the property.

PROPOSAL

This is a request by property owner Kathleen Pavicevic, represented by Brian C. Locker of Fowler, St. Clair, for a proposed rezoning of her 1.2-acre property, located at 980 E. Scenic Street in Apache Junction, Arizona, from RM-2 (High Density Multiple-Family Residential) to RS-54/PD (Low Density Single-Family Residential by Planned Development). The rezoning proposes to correct the zoning and allow horse privileges on the property that is currently developed with a conventional single-family home, on a lot less than 1.25 gross acres.

PLANNING STAFF ANALYSIS AND FINDINGS

Relationship to General Plan:

The General Plan designates the subject site Low Density Residential (1.25 acre minimum lots). The adjacent properties are all zoned residential. While some lots are smaller than 1.25 acres, and some lots are zoned for multiple-family, these

zoning designations and lot sizes existed prior to the adoption of the 2010 General Plan. The rezoning brings the property closer to compliance with the General Plan.

Zoning/Site Context:

The current zoning of RM-2 is meant for High Density Multiple-Family Residential with a maximum density of 13 units/acre (i.e., 1,980 square feet per unit) and a minimum development parcel size of 7,000 square feet. The subject site is 1.20 gross acres which is suitable for the zoning district, but the property is currently developed with one single-family home. South of the property you will find the Superstition Skies Bar and Grill restaurant in a RM-2 zoning district. The subject site is located in the "Y" area of the city in an older area that was developed before the city's incorporation. There is a variation of zoning districts and lot sizes within this neighborhood, including homes with horse privileges to the north and east of the property. Horse privileges will be suitable for this property that is .05 short of meeting the acreage requirement.

Public Input:

Staff has not received any public comment about this case at this time. Please see the applicant's public participation summary attached.

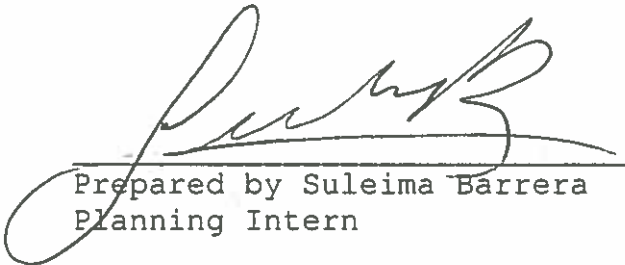
Planning Division Recommendation

Planning Staff recommends approval of the proposed rezoning and offers the following Recommended Motion, to establish low density single-family residential zoning on the property and a planned development overlay to allow continuation of horses on property, should the Commission wish to forward a recommendation of approval to the City Council.

RECOMMENDED MOTION

I move that the Planning and Zoning Commission recommend to the City Council the (APPROVAL/DENIAL) of rezoning case PZ-12-16, a rezoning request, for a +/-1.2 acre parcel located at 980 E. Scenic Street, from RM-2 (High Density Multiple-Family Residential) to RS-54/PD (Low Density Single-Family Residential by Planned Development), subject to the following conditions of approval:

- 1) At such time as the lot is further developed, and/or redeveloped, it shall be developed pursuant to the Apache Junction City Code, Volume II, Land Development Code, Chapter 1 Zoning Ordinance, Section 1-5-1 Residential Use Regulations for uses permitted in the RS-54 Low Density Single Family Zoning District.
- 2) Front yard landscaping shall be installed, to include 24" box trees planted at a rate of one tree for every 30 linear feet of frontage and three 5-gallon shrubs to accompany each tree. All plantings shall be within the property boundary.
- 3) The property shall be allowed horse privileges as permitted for 1.25 acre lots.



Prepared by Suleima Barrera
Planning Intern

Attachments:

- Exhibit #1 - PZ-12-16 Rezoning Application
- Exhibit #2 - Public Participation Summary
- Exhibit #3 - PZ-12-16 Vicinity Map
- Exhibit #3 - Aerial Map
- Exhibit #4 - Site Plan
- Exhibit #5 - Assessor Parcel Map #101-18
- Exhibit #6 - Apache Junction City Code Section 1-5-1
- Exhibit #7 - Apache Junction City Code Section 1-6-7



Planning and Zoning Application Form

Office Use Only:

Filing Date 3/8/17
Staff S. Barrera
Fees Received _____
Case _____

TYPE OF APPLICATION

<input type="checkbox"/> Annexation	<input type="checkbox"/> Abandonment (Plat/Easement/ROW)	<input type="checkbox"/> Board of Adjustment
<input type="checkbox"/> Cargo Container Permit	<input type="checkbox"/> Certificate of Legal Nonconformity	<input type="checkbox"/> Conditional Use Permit
<input type="checkbox"/> Development Agreement	<input type="checkbox"/> Development Plan Review	<input type="checkbox"/> General Plan Amendment
<input type="checkbox"/> Lot Splits, Joins & Adjustments	<input type="checkbox"/> Ordinance Text Amendment	<input checked="" type="checkbox"/> Planned Development Rezoning
<input type="checkbox"/> Preliminary/Final Plat	<input type="checkbox"/> Preliminary Development Review	<input type="checkbox"/> Sign Permit
<input type="checkbox"/> Special Use Permit	<input type="checkbox"/> Temporary Use Permit	<input type="checkbox"/> Zoning Map Amendment
<input type="checkbox"/> Administrative Use Permit	<input type="checkbox"/> Business License	<input type="checkbox"/> Home Occupation (see supplement)
Other _____		

SITE INFORMATION

SITE ADDRESS/LOCATION 980 E. Scenic Street
ASSESSORS PARCEL NUMBER 101-18-090
GROSS AREA: 1.20 acres NET AREA 1.20 EXISTING ZONING CR-5/RM-2

BRIEF DESCRIPTION OF THE PROPOSED PROJECT/USE:

At the suggestion of Rudy Esquivias, Ms. Pavicevic seeks to have her property rezoned from RM-2 (High Density Multi-family Residential) to RS-54/PD, with a variance to permit horse use on her 1.20 acre parcel to bring the property in-line with the rest of the neighborhood.

APPLICANT INFORMATION

Property Owner(s) Kathleen Pavicevic
Address 980 E. Scenic Street, Apache Junction, AZ 85119
Phone Number 239-580-8871 Fax Number N/A Email katrival@hotmail.com

Applicant Contact Person/Project Manager Brian C. Locker
Address 1201 S. Alma School Rd. #10850, Mesa, AZ 85210
Phone Number 480-788-9911 Fax Number 480-505-0645 Email locker@fowlerstclair.com

Planning & Zoning – Building & Safety – Revenue Development

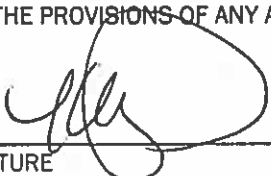
300 E. Superstition Boulevard • Apache Junction, AZ 85119 • Ph: (480) 474-5083 • Fax (480) 982-7010

Updated 02/05/2015

Architect/Engineer N/A
Address N/A
Phone Number N/A Fax Number N/A Email N/A

THE CITY OF APACHE JUNCTION HAS ADOPTED BUILDING CODES AND A DEVELOPMENT GUIDE WHICH REGULATE CONSTRUCTION STANDARDS WITHIN THE CITY LIMITS. THE 2006 IBC, AS ADOPTED, REQUIRES THAT IF A CHANGE OF OCCUPANCY CLASSIFICATION AS IT RELATES TO THE UNIFORM BUILDING CODE IS INTENDED, A PERMIT AND A CERTIFICATE OF OCCUPANCY MUST BE OBTAINED FROM THE BUILDING DIVISION. SHOULD YOU INTEND TO DO ANY WORK IN THE BUILDING, SUCH AS ANY REMODELING OR WORK CREATING A CHANGE IN THE FLOOR PLAN OR ANY WORK REQUIRING A CONSTRUCTION PERMIT, INCLUDING THE ERECTION OF SIGNS OR SITE IMPROVEMENTS, PERMITS ARE REQUIRED. AS THE BUSINESS LICENSE HOLDER, IT IS YOUR RESPONSIBILITY TO DETERMINE THESE REQUIREMENTS AND COMPLY WITH THEM. THE GRANTING OF ZONING CLEARANCE SHALL NOT BE CONSTRUED TO BE APPROVAL OF ANY VIOLATION OF THE PROVISIONS OF ANY APPLICABLE CITY CODES.

I CERTIFY THAT THE STATEMENTS MADE IN THIS APPLICATION ARE TRUE AND COMPLETE TO THE BEST OF MY KNOWLEDGE. I UNDERSTAND THAT THE APPROVAL OF THIS CERTIFICATE DOES NOT RELIEVE ME FROM COMPLYING WITH THE PROVISIONS OF ANY APPLICABLE CITY CODE.


SIGNATURE

3/2/17
DATE

For Office Use Only

Received by: _____ Date: _____

Zoning Approval _____ Date: _____

Conditions of Approval:

Zoning: _____ APN: _____ BL# _____

Planning & Zoning – Building & Safety – Revenue Development

300 E. Superstition Boulevard • Apache Junction, AZ 85119 • Ph: (480) 474-5083 • Fax (480) 982-7010

Updated 02/05/2015

EXHIBIT B
PROPERTY OWNER CERTIFICATION FORM

I/We certify that:

I/We are the owner(s) of the property described in this application for rezoning and have submitted copies of deeds or title reports as proof of ownership.

I/We have read the application instructions and have truthfully completed this application. I/We understand that the City has the option of either approval or denial of this request following conduct of a Public Hearing.

I/We, being the owner(s) of the property in this application, have appointed Brian C. Locker as my/our representative agent. I/We have authorized him/her to do whatever is necessary to have this request considered favorably by the City of Apache Junction and agree that all correspondence relation to this matter should be delivered to him/her.

PLEASE PRINT

Property Owner Kathleen Pavicevic

Address 980 E. Scenic Stree, Apache Junction, AZ 85119

Phone Number 239-580-8871 Fax Number N/A Email Katrival@hotmail.com

Property Owner _____

Address _____

Phone Number _____ Fax Number _____ Email _____

Property Owner _____

Address _____

Phone Number _____ Fax Number _____ Email _____

STATE OF ARIZONA)

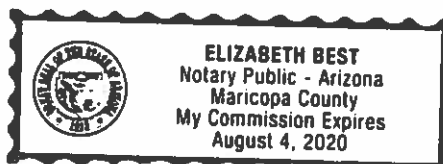
COUNTY OF PINAL)

Maricopa

The foregoing instrument was acknowledged before me this 2 day of MARCH, 2017.

Elizabeth Best
Notary Public

My Commission Expires: 8/4/2020



April 3, 2017



BY EMAIL ONLY TO:

City of Apache Junction
Development Services
c/o Suleima Barrera
300 E. Superstition Blvd.
Apache Junction, AZ 85119
Email: sbarrera@ajcity.net

Re: Public Participation Summary Report – Case No: PZ-12-16

Dear Ms. Barrera:

The following Summary relates to the proposed rezoning at 980 E. Scenic Street from RM-2 (High Density Multiple-Family Residential) to RS 54/PD (Low Density Single-Family Residential by Planned Development).

On March 15, 2017 our office mailed out the following postcard:

To Whom It May Concern:

This office represents Ms. Kathleen Pavicevic, who resides at 980 E. Scenic Street. Ms. Pavicevic is seeking to have her property rezoned from multi-family to single family use, and obtain a minor variance to allow her to keep her horses on her **1.20 acre** parcel. Current zoning regulations allow horses to be kept on single family parcels that are **1.25 acres** or larger.

If you wish to comment on this rezoning application or want more information, please contact:

Brian Locker
Fowler, St. Clair, PLLC
1201 S. Alma School Rd., Ste. 12750
Mesa, AZ 85210
480-788-9911
locker@fowlerstclair.com

There is a public hearing scheduled for **April 11, 2017 at 7:00 PM at 300 E. Superstition Blvd., Apache Junction, AZ 85119**. Apache Junction Planning Office Case Number: **PZ-12-16**.

All comments must be received at the above address no later than **March 31, 2017**.

fowler/st.clair

The postcard was mailed to the following names and addresses, as required by Apache Junction:

1. James M. and Eleonore K. Anderson, 508 N. Cactus Rd., Apache Junction, AZ 85119
2. Charles Ringering, 6115 N. Royal Palm Rd., Apache Junction, AZ 85119
3. Larry and Denise Veneklasen, PO Box 6265, Apache Junction, AZ 85178
4. James A. Rush, PO Box 358, Apache Junction, AZ 85117
5. Martin Loftus, 1057 E. Scenic St., Apache Junction, AZ 85119
6. Kathleen Pavicevic, 980 E. Scenic St., Apache Junction, AZ 85119
7. Joan L. and William E. Reetz, 11402 E Quarry Ave, Mesa, AZ 85212
8. David Jentry, PO Box 3128, Kodiak, AK 99615
9. Janet Liv. Trust Sotomayor-Bloomer, 610 N. Gilbert Rd. Ste. 312, Gilbert, AZ 85234
10. David Evich, 349 N. Royal Palm Rd., Apache Junction, AZ 85119¹
11. Roland Laverdiere, 203 6th Ave. SE, Swift Current, SK, Canada S9H 3N9
12. Roberty J. Hays, 938 E. Scenic St., Apache Junction, AZ 85119
13. Richard Pierce, PO Box 1018, Apache Junction, AZ 85117
14. Larry and Denise Veneklasen, PO Box 6265, Apache Junction, AZ 85178
15. Charles Caballero, PO Box 6298, Apache Junction, AZ 85178
16. Jeanne Marie Peters, 1280 S. Prospectors Rd., Apache Junction, AZ 85119
17. Josh Hutchinson, 555 N. Royal Palm Rd., Apache Junction, AZ 85119

In addition, on March 21, 2017, a sign was posted at the Property giving the public notice of the upcoming Public Hearing (*see* Affidavit and Photograph of the sign attached as Exhibit A). As of April 4, 2017, we have received only one written response relating to the pending application, which was a letter of support from Jonna Baker, a real estate agent and broker/owner of Jonna Baker & Associates Realty (*see* letter attached as Exhibit B). Finally, as of April 4, 2017, there have been no concerns, issues or problems conveyed to our office, in writing or otherwise, during the requisite period.

¹ This postcard was returned to our office as "returned mail".

The deadline for residents, property owners and interested parties to respond was March 31, 2017. Thank you for your consideration.

Sincerely,

A handwritten signature in black ink, appearing to read "Brian", with a long horizontal flourish extending to the right.

Brian Locker
locker@fowlerstclair.com
(480) 463-4448

fowler/st.clair

EXHIBIT B

fowler/st.clair

Jonna Baker & Associates Realty

115 N Apache Trail
Suite B
Apache Junction, AZ 85120
Phone: 480-983-3440
Fax: 480-422-2293
E Mail: Jonna@JonnaBaker.com

March 22, 2017

RE: Re-zoning Request
980 E Scenic Street
Apache Junction, AZ 85119

Dear City Council,

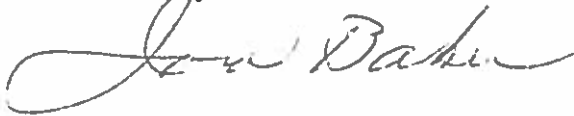
I am writing this letter on behalf of Kathleen Pavicevic.

I am in full support of the rezoning her property to allow for horses.

I believe keeping Apache Junction a horse friendly community is a true asset to the city. I also believe horse property keeps the valuation of properties higher which also benefits the city and the citizens.

I am in full support for Kathleen's rezoning request.

Sincerely,



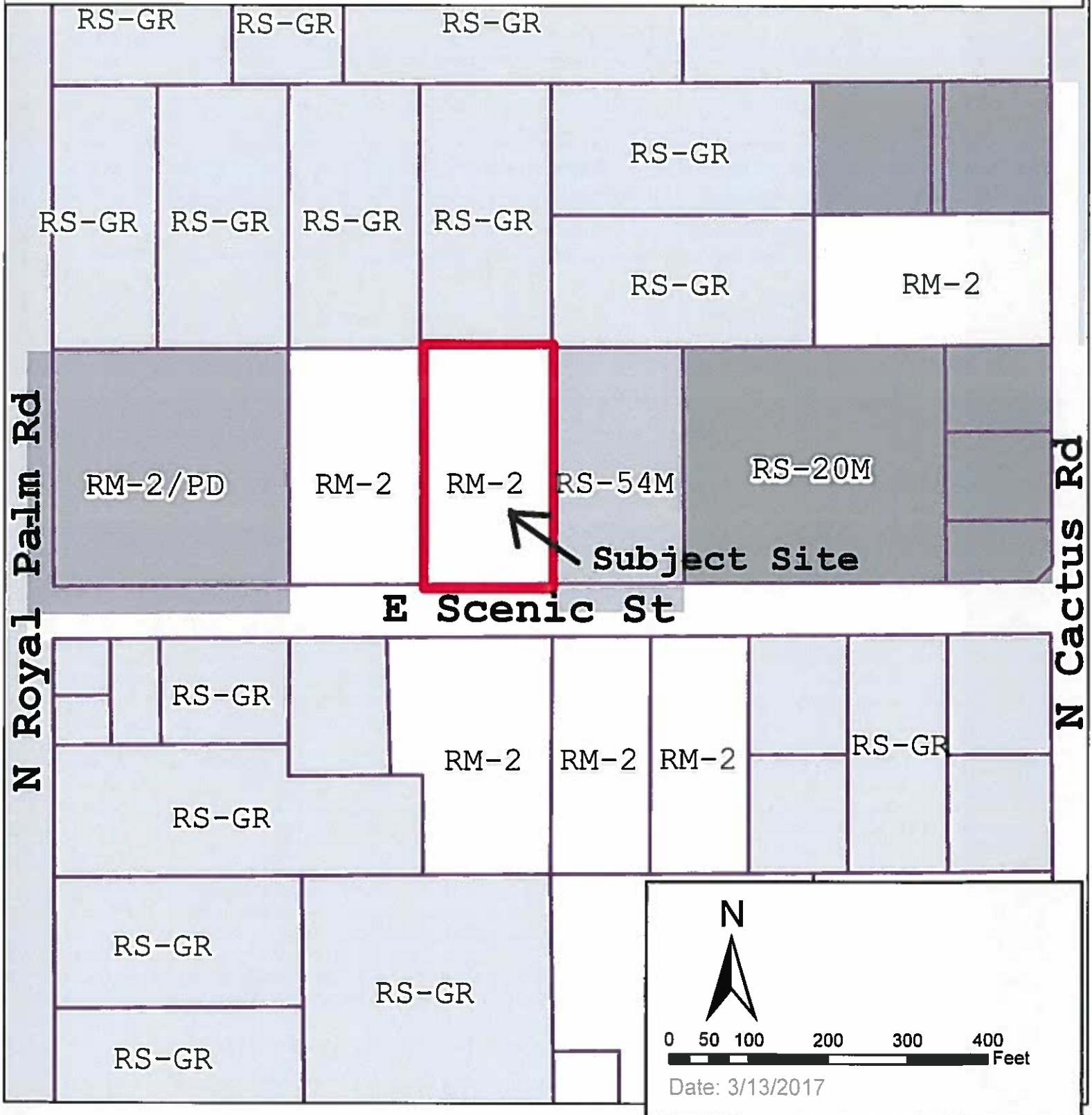
Jonna Baker
Broker/Owner
Jonna Baker & Associates Realty

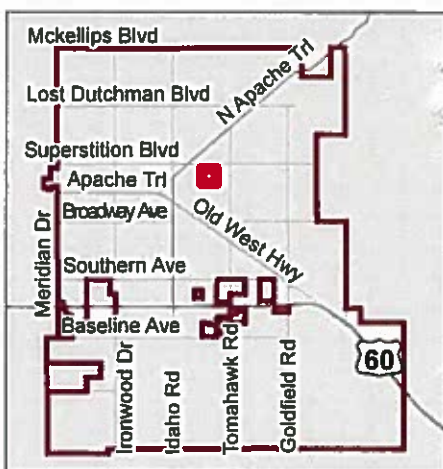
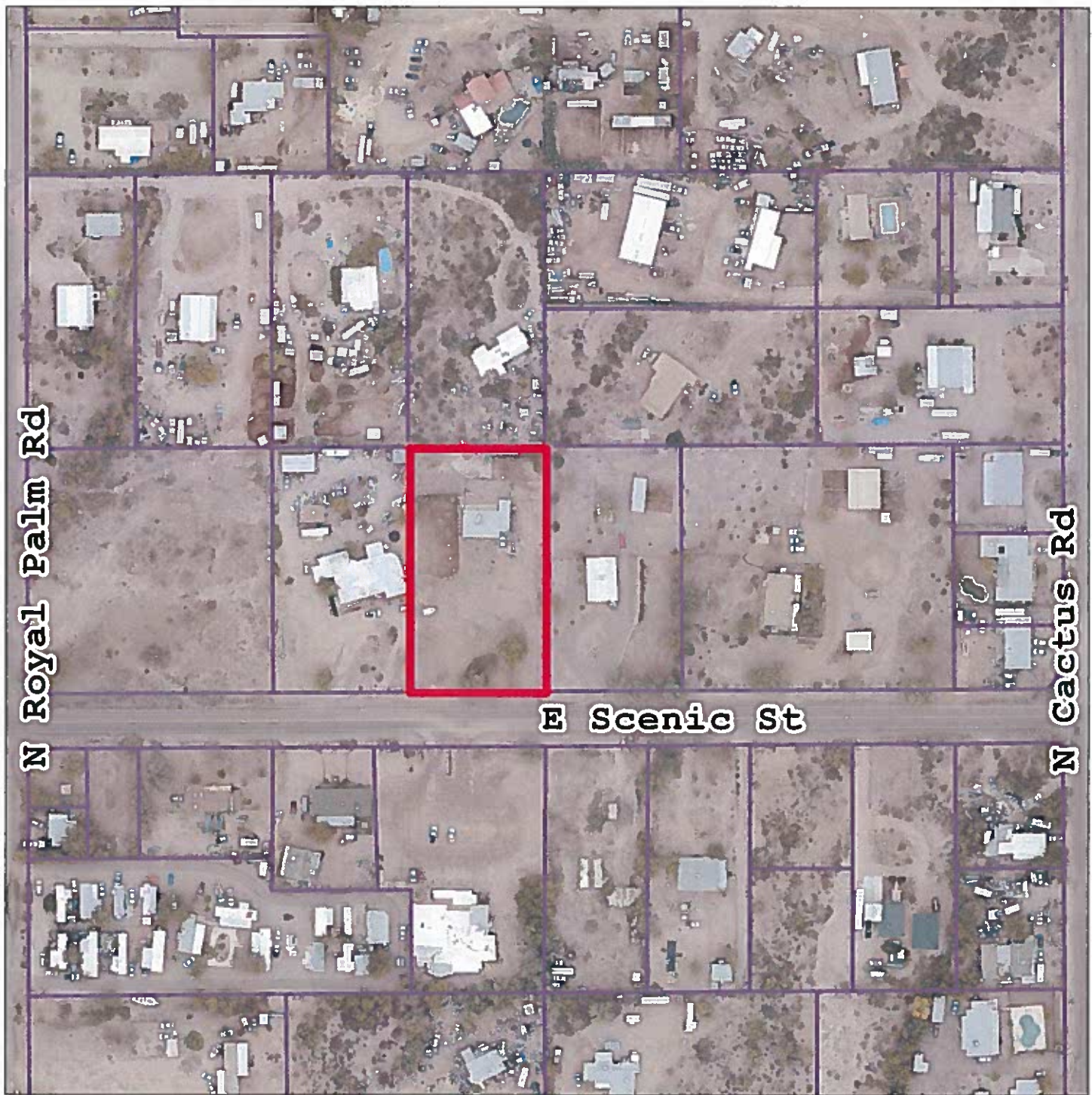


Vicinity Map

PZ-12-16

Rezoning from RM-2 (High Density Multi-family Residential) to RS-54/PD (Low Density Single-Family by Planned Development)



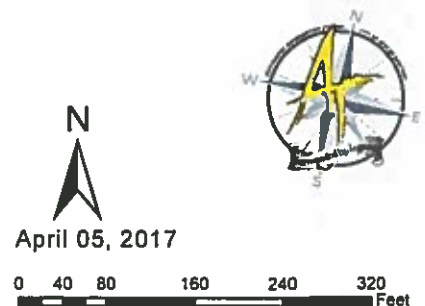


City of Apache Junction PZ-12-16 Aerial Map

Legend

- Subject Site
- Parcels

DISCLAIMER: This exhibit was produced without benefit of a field survey and is not intended to represent a survey document of any kind. Distances shown hereon are approximate. Parcel lines shown hereon are approximate and may not reflect the exact position or alignment of parcel lines, roadway center lines, or easement lines.

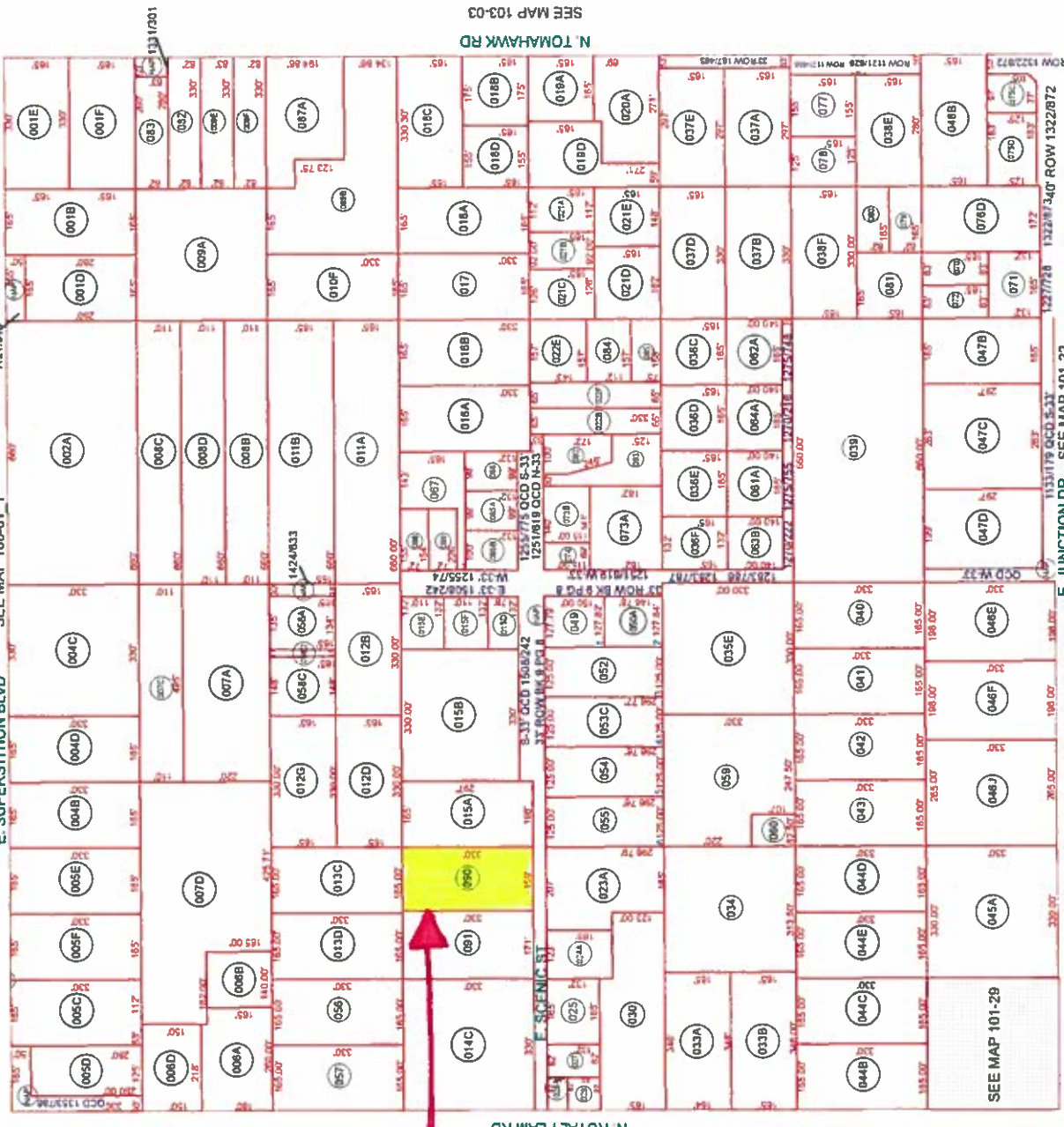


Pinal County Assessor

E SUPERSTITION BLVD

SEE MAP 100-01_1

1121818



Subject Site

SEE MAP 101-19

N ROYAL PLAM RD

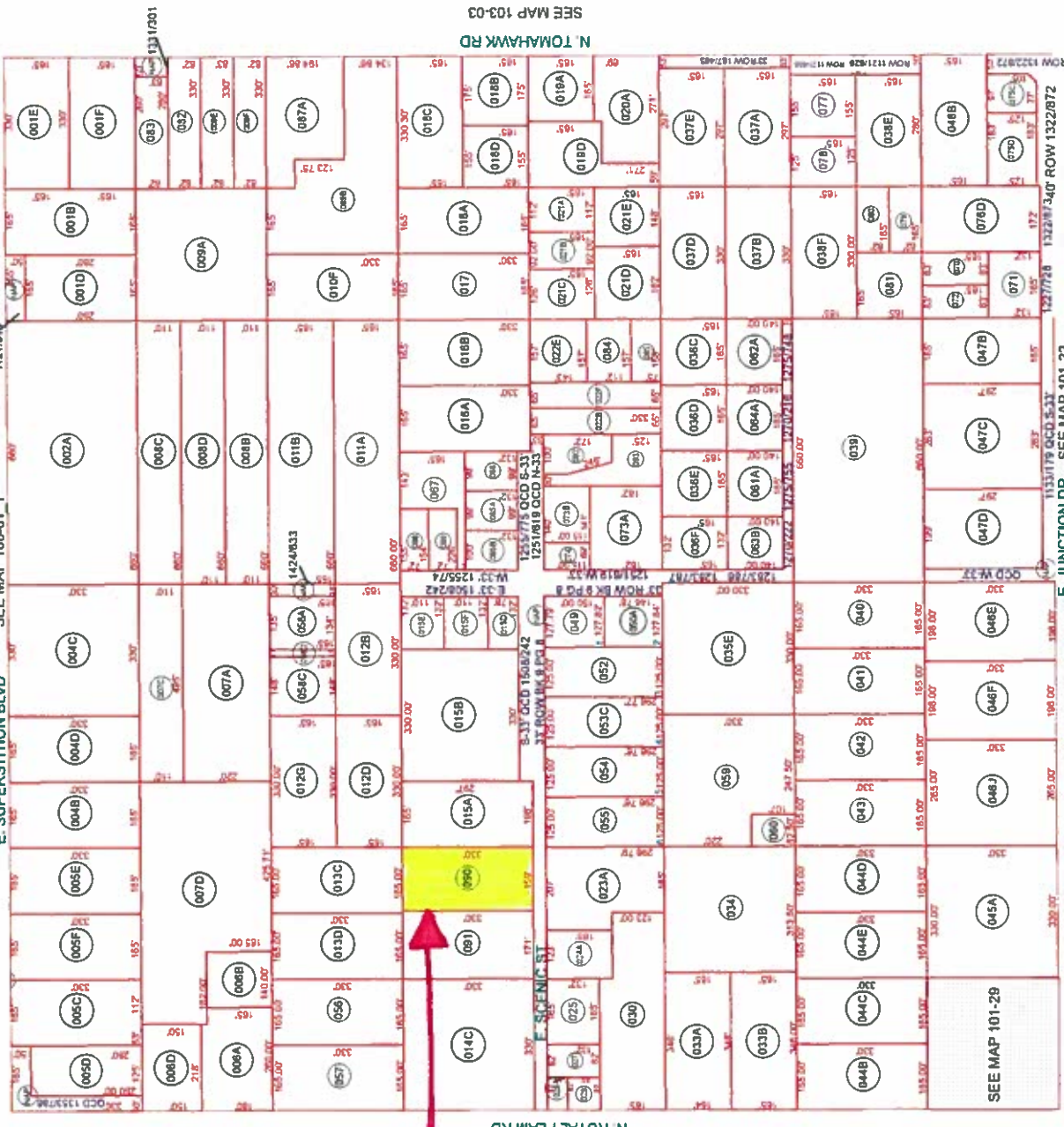
E JUNCTION DR SEE MAP 101-22

SEE MAP 101-26

E SUPERSTITION BLVD

SEE MAP 100-01_1

1121818



Subject Site

SEE MAP 101-19

N ROYAL PLAM RD

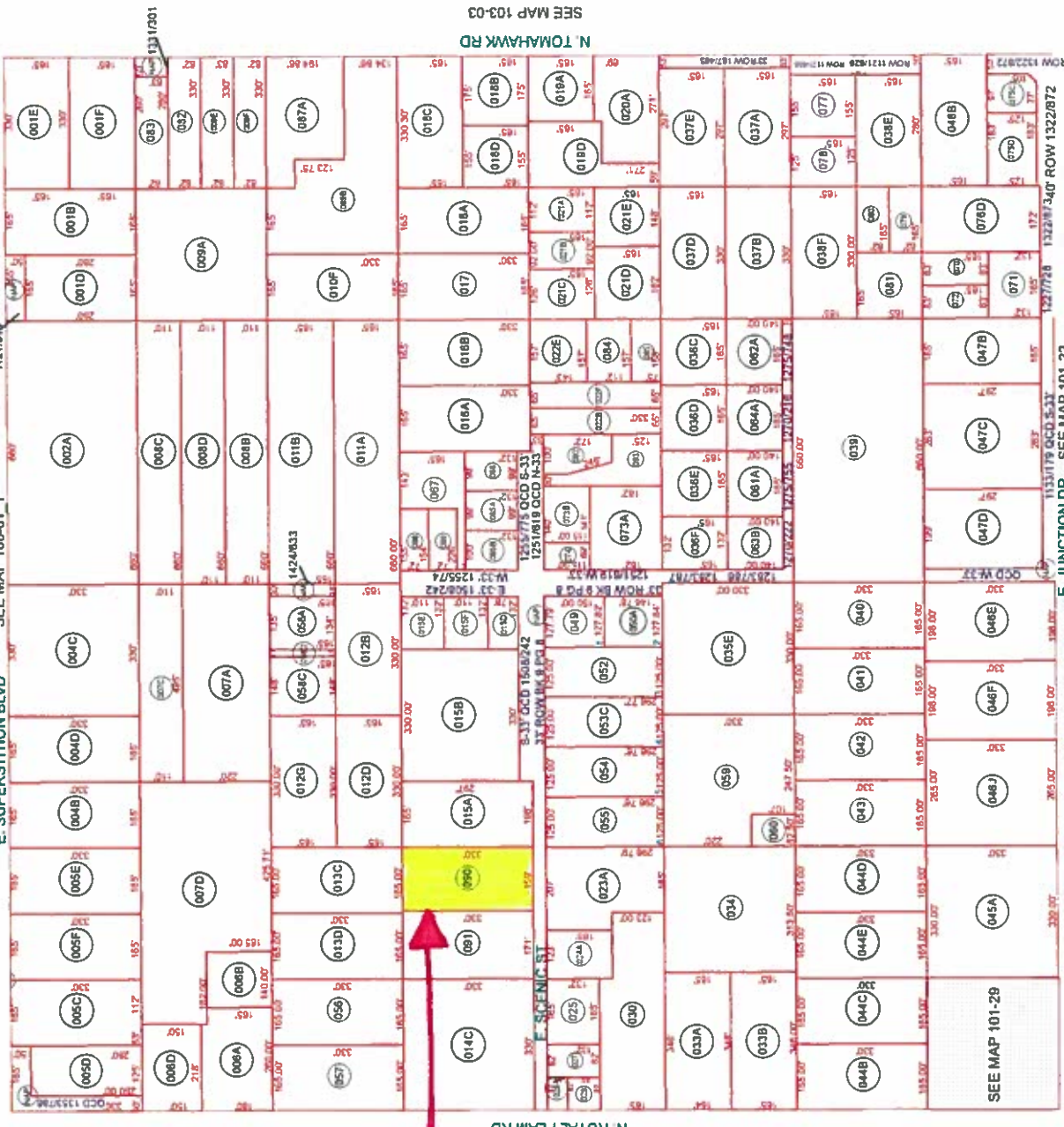
E JUNCTION DR SEE MAP 101-22

SEE MAP 101-26

E SUPERSTITION BLVD

SEE MAP 100-01_1

1121818



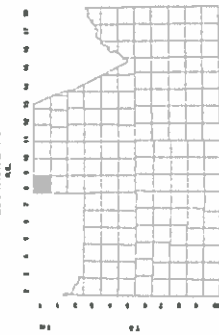
BOOK - MAP

101-18

NE SEC. 21 T.01N. R.08E.

HATCH ADDITION: BOOK 09 - PAGE 008

LOCATION MAPS



TOWNSHIP COUNTY



0 100 200

Revised: 8/22/2018

By: MBG



PINAL COUNTY

Assessor's Office

Pinal County Assessor

THIS MAP DOES NOT REPRESENT A SURVEY. NO LIABILITY IS ASSUMED FOR THE ACCURACY OF THE DATA DELINEATED HEREIN. EITHER EXPRESSED OR IMPLIED, INCLUDING BUT NOT LIMITED TO, THE ACCURACY OF THE DATA FROM ANY SOURCE. THE DATA IS PROVIDED FOR INFORMATIONAL PURPOSES ONLY. CONTRACTS, AND ONLY CONTAIN INFORMATION REQUIRED FOR THE PINAL COUNTY ASSESSOR'S OFFICE PURPOSES.

1-5-1 RESIDENTIAL USE REGULATIONS. Table 5-1 illustrates the use regulations for all residential zoning districts:

TABLE 5-1: RESIDENTIAL USE REGULATIONS

USE/STRUCTURE TYPE	RS-GR	RS-54	RS-54 M	RS-20	RS-20 M	RS-10	RS-10 M	RS-7	RS-7 M	RS-5	RM-1	RM-2	RM-3	MHP	RVP
Single-Family Detached Conventional Housing	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	CUP	CUP	CUP	CUP	CUP
Single-Family Detached Manufactured Housing	YES	NO	YES	NO	YES	NO	YES	NO	YES	NO	NO	NO	NO	YES	CUP
Multi-Family Residential Housing	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	YES	YES	YES	NO	NO
HUD Certified Park Model Alternative	YES	NO	YES	NO	YES	NO	YES	NO	YES	NO	NO	NO	NO	YES	YES
Recreational Vehicle as Primary Residence ¹⁶	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	YES	YES
Boarding House	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	CUP	CUP	CUP	NO	NO
Bed & Breakfast and Resorts	CUP	CUP	CUP	CUP	CUP	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO
Child Care Homes ¹	AUP	AUP	AUP	AUP	AUP	AUP	AUP	AUP	AUP	AUP	CUP	CUP	CUP	NO	NO
Airports and Heliports ²	CUP	CUP	CUP	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO
Personal Caretaker Unit ³	AUP	AUP	AUP	AUP	AUP	AUP	AUP	AUP	AUP	AUP	NO	NO	NO	NO	NO
Property Caretaker / Ranch Hand Unit ⁴	AUP	AUP	AUP	AUP	AUP	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO
Accessory Dwelling Unit ⁵	AUP	AUP	AUP	AUP	AUP	AUP	AUP	AUP	AUP	AUP	NO	NO	NO	NO	NO
Temp. Living Quarters During Construction ⁶	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	NO	NO	NO	NO	NO
Public/Private Schools K to 12 ¹⁵	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP
Religious Institutions	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP
Civic Uses and Structures	AUP	AUP	AUP	AUP	AUP	AUP	AUP	AUP	AUP	AUP	AUP	AUP	AUP	AUP	AUP

TABLE 5-1: RESIDENTIAL USE REGULATIONS

USE/STRUCTURE TYPE	RS-GR	RS-54	RS-54 M	RS-20	RS-20 M	RS-10	RS-10 M	RS-7	RS-7 M	RS-5	RM-1	RM-2	RM-3	MHP	RVP
Above Ground Utilities ⁷	AUP	AUP	AUP	AUP	AUP	AUP	AUP	AUP	AUP	AUP	AUP	AUP	AUP	AUP	AUP
Telecom Facilities	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP
Lodges/Clubs	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	CUP	CUP
Model Homes ⁸	AUP	AUP	AUP	AUP	AUP	AUP	AUP	AUP	AUP	AUP	AUP	AUP	AUP	AUP	AUP
Detached Garages ⁹	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES
Accessory Structures ⁹ (except cargo cont.)	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES
Equestrian Activities (private) ¹⁰	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	NO	NO	NO	NO	NO
Equestrian Activities (commercial) ¹⁰	CUP	CUP	CUP	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO
Commercial Agriculture ¹¹	YES	CUP	CUP	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO
Non-Commercial Agriculture ¹¹	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES
Produce Sales ¹¹	YES	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO
Feed Lots ¹¹	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO
Recreational (indoor and Outdoor)	CUP	CUP	CUP	NO	NO	NO	NO	NO	NO	NO	CUP	CUP	CUP	CUP	CUP
Solar Panels ¹²	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES
Alternate (non-solar) Energy Technologies ¹²	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP
Guest Ranch	CUP	CUP	CUP	CUP	CUP	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO
Commercial Recycling Bins	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	YES	YES
Animal Keeping	See § 1-6-17														

TABLE 5-1: RESIDENTIAL USE REGULATIONS

USE/STRUCTURE TYPE	RS-GR	RS-54	RS-54M	RS-20	RS-20M	RS-10	RS-10M	RS-7	RS-5	RM-1	RM-2	RM-3	MHP	RVP
Temporary Uses And Structures					See §		1-6-23							
Home Occupations					See §		1-6-6							
Signs					See §		1-11							
Fences/Walls					See §		1-6-3							
Swimming Pools and Sports Courts					See §		1-6-11							
Cargo Containers					See §		1-6-8							
Outdoor Storage					See §		1-6-9							
Group Care Homes					See §		1-6-10							
Subdivision and HOA Activities					See		Footnote # 14							

"YES" = Permitted Use by Right. A "YES" indicates that the listed use is permitted by-right within the respective zoning district. Permitted uses are subject to all other applicable standards (see Article 1-6, Supplemental Regulations).

"CUP" = Conditional Use Permit. A "CUP" indicates that the listed use is permitted within the respective zoning district only after review and approval of a Conditional Use Permit, in accordance with the review and approval procedures of § 1-16-12 (D).

"AUP" = Administrative Use Permit. An "AUP" indicates that the use and/or structure is permitted within the respective zoning district following review and approval of an Administrative Permit by the Development Services Director or designee in accordance with § 1-16-12 (C).

"NO" = Prohibited Uses. A "NO" indicates that the listed use type is expressly not allowed within the respective zoning district.

Footnotes from Table 5-1:

1. This classification includes home based nursery schools, preschools, and day care facilities for children through the age of 12 licensed by the State of Arizona. The maximum amount of non-resident children allowed on-site is 6 or less.
2. See § 1-6-14 for airports and helipads regulations.
3. See § 1-6-20 for personal caretaker unit regulations.
4. See § 1-6-7 (D) (7) for property caretaker/ranch hand regulations.
5. See § 1-6-19 for accessory dwelling unit regulations.
6. A travel trailer, motor home or fifth wheel may be parked and used as a temporary living quarters, or an existing legal manufactured home located on the premises may be used as a temporary residence, for up to 8 months while a home is being constructed on a single-family residentially zoned property subject to compliance with the main building's setback requirements. The temporary quarters may be temporarily connected to utilities subject to proper permitting (See Table 6-3).
7. See § 1-6-21 regarding regulations for utility installations.
8. See § 1-17 regarding model home definition and restriction.
9. See § 1-6-5 for accessory structure regulations.
10. The keeping of horses for private use requires a minimum of 1.25 gross acres. See § 1-6-7 for further equestrian regulations.
11. See § 1-6-18 for agriculture use regulations.
12. See § 1-6-16 for alternate energy technologies regulations.
13. See § 1-6-21 for utility installation regulations.
14. Ancillary Retail Sales and Special Events/Activities Intended for Subdivision Residents Only. Homeowner's Associations shall apply for and obtain an AUP from the Zoning Administrator prior to conducting or allowing ancillary retail sales (e.g., market days, craft/art sales, fundraisers and temporary food vendors). If approved, the Zoning Administrator shall issue an AUP with written conditions of approval in accordance with the following:

Print

Apache Junction, AZ Land Development Code

§ 1-6-7 EQUESTRIAN ACTIVITIES AND USES.

(A) *Intent.* The following regulations shall be applicable to the keeping of horses and all other members of the equine family including donkeys and mules. See Apache Junction City Code, Vol. I, Chapter 6, for non-zoning regulations pertaining to the keeping of animals.

(B) *Non-business equine regulations.* The following regulations shall be applicable to the keeping of horses for personal use in the city:

- (1) *Allowed zoning districts.* All single-family (i.e., RS) residential zoning districts.
- (2) *Minimum lot area.* 1.25 gross acres.
- (3) *Maximum number of equine.* No limit as long as the equine are owned by the residents or owners of the property.
- (4) *Horse training.* Horse training, but not boarding, as an incidental business use shall be allowed.
- (5) *Accessory buildings and structures.* Barns and stables that house equine shall maintain a minimum 50 foot side, rear and front setback. Horse shades shall maintain the minimum accessory building setbacks as indicated in Vol. II, § 1-5-2, Table 5-2.

(C) *Horse rental stables.* Commercial horse rental stables include any enterprise providing horses and equipment rented on a temporary basis, and wherein the rented horses are permitted to be ridden away from the property either by individual renters, with a group or with a guide. The following regulations shall be applicable to commercial horse rental stables in the city.

- (1) *Allowed zoning districts.* Horse rental stables shall only be allowed in the RS-GR, RS-54 and RS-54M zoning districts.
- (2) *Minimum lot area.* 10 gross acres.
- (3) *Maximum number of horses.* No limit.
- (4) *Accessory buildings and structures.* Barns and stables that house equine shall maintain a minimum 50 foot side, rear and front setback. Horse shades and mare motels shall maintain the minimum accessory building setbacks as indicated in Vol. II, § 1-5-2, Table 5-2.
- (5) *Permit required.* A CUP shall be required prior to constructing and operating a commercial rental stable.

(D) *Commercial horse boarding regulations.* The following regulations shall be applicable to commercial house boarding within the city.

- (1) *Allowed zoning districts.* Commercial horse boarding shall only be allowed in the RS-GR, RS-54 and RS-54M zoning districts.
- (2) *Minimum lot area.* 2.5 gross acres.

(3) *Maximum number of horses.* None.

(4) *Permit required.* A CUP and business license shall be required prior to any new commercial horse boarding business being established in the city subsequent to February 3, 2011.

(5) *Accessory buildings and structures.* Barns and stables that house equine shall maintain a minimum 50 foot side, rear and front setback. Horse shades shall maintain the minimum accessory building setbacks in Vol. II, § 1-5-2, Table 5-2.

(6) *Horse trailer parking.*

(a) Licensed horse trailers owned by horse boarders may be parked on a commercial horse boarding property subject to the number of horse trailers not exceeding the total number of horses being boarded on-site. The parking and/or storage of a horse trailer at a specific boarding facility shall not be permitted unless the owner of the trailer has a horse boarded at the facility at the same time. Horse trailers shall be set back a minimum of 4 feet from adjacent properties and 25 feet from public road rights-of-way. Trailers shall be parked in a manner that does not interfere with safe traffic circulation and visibility as determined by the Director or designee.

(b) Prior to parking horse trailers on a commercial horse boarding property, the property owner/operator shall submit to the Development Services Department a properly scaled and dimensioned site plan that illustrates all existing buildings, setbacks and the location and layout of the parking area for horse trailers. The Development Services Director, or designee, shall review the plan and either approve, modify and approve, or disapprove the parking site plan based on an evaluation of safe traffic circulation and compliance with the standards identified above. Failure by the owner and/or operator of a boarding facility to operate and comply with this section shall be grounds for possible revocation of the business license of the facility.

(7) *Property caretaker/ranch hand accommodations.* One seasonal or full-time commercial horse boarding ranch hand, along with his or her family, shall be allowed to reside on-site. The primary purpose and responsibility of the ranch hand is to assist in the management and care of the commercial horse boarding facility. The ranch hand shall be allowed to live in the main residential building or within a travel trailer, motor home or 5th wheel RV unit on-site. The RV may be permanently connected to waste, water, gas, and/or electrical service, or may operate as a self-contained unit. Construction of a conventionally built home to accommodate the ranch may also be allowed in accordance with the accessory dwelling unit standards in Vol. II, § 1-6-19 of this Chapter.

(8) *Restroom facilities.* An operator of a commercial horse boarding facility with an on-site residence may allow the restroom facilities of the residence to be used by patrons of the facility. Alternatively, the owner/operator may provide a portable chemical toilet ("porta-potty") subject to Development Services Department review and approval of a site plan that illustrates the location and screening of the toilet.

(9) *Health and sanitation.* The operator of a horse boarding facility shall comply with all regulations for health and safety, sanitation, odor vector control and other related issues.

(10) *Related events.* Social events and parties shall be subject to the same noise, parking, traffic and health and safety regulations applied to other residential properties within the city.

(11) *Hours of operation.* Horse boarding businesses shall be allowed to operate 24 hours/day, 7 days/week.

(12) *Additional commercial services allowed.* Riding lessons and horse training services shall be allowed on licensed and approved commercial horse boarding properties. Commercial horse boarding facilities may also accommodate veterinarian, farrier, horse care specialists, and equine services visits to serve horses kept both on-site and off-site.

(13) *Sign requirements.* Commercial horse boarding facilities shall be allowed one detached, double-sided, 32-square-foot sign to include the name of the facility and the property address. The sign may be externally lit, shall comply with Dark Sky regulations, shall not be animated and shall be setback a minimum of 10 feet from the road right-of-way and side lot lines.

(14) *Runoff and waste management.* Commercial horse boarding facilities shall control the runoff of equine waste material from encroaching onto adjacent properties or rights-of-way.

(E) *Camping for horse boarders.* The following regulations shall be applicable to camping on licensed and approved commercial house boarding properties within the city.

(1) *Allowed zoning districts.* Horse boarder camping shall be allowed in the RS-GR, RS-54 and RS-54M zoning districts where a licensed commercial horse boarding facility exists.

(2) *Minimum lot area.* Five gross acres.

(3) *Permit required.* A CUP and business license shall be required prior to any camping activity being established and maintained in the city. If the RV camping use fails to operate in accordance with the approved conditions of the CUP and/or creates a public nuisance within the neighborhood, the Planning and Zoning Commission may schedule a public hearing to discuss revocation of the CUP.

(4) *Fees.* In addition to the required administrative permitting fees, the property owner shall be required to pay a one-time development impact fee for each campsite in accordance with the city's Development Fee Ordinance and fee schedule.

(5) *Maximum number of campsites allowed.* A maximum of one campsite per acre shall be allowed, with the total number of campsites not exceeding the total number of boarded horses.

(6) *Time period restrictions.* A maximum stay of 6 cumulative months per calendar year per RV camper shall be allowed.

(7) *Type of camping allowed.* Camping shall only be allowed in RVs (excluding park models), and may be operated as either a self-contained unit or with properly permitted connections to utilities. Campers must have a horse boarded at the facility. No on-site dumping of sewage waste shall be allowed unless the boarding facility is connected to the sewer district system or unless other sewage disposal system solutions are permitted by the Pinal County Health Department.

(8) *Setbacks and RV spacing.* RVs shall maintain a minimum separation of 6 feet from each other, be setback a minimum of 3 feet to a side or rear property line and 25 feet from a road right-of-way.

(9) *Minimum camping space size.* An RV camping space shall contain no less than 1,000 square feet and shall be at least 25 feet wide.

(10) *Parking.* A maximum of 2 vehicles per individual RV campsite shall be allowed, consisting of the RV and one passenger vehicle.

(11) *Generator use.* Use of generators to charge batteries within the RV shall be permitted between the hours of 8:00 a.m. to 9:00 p.m., daily.

(12) *Nuisance impacts.* Standards regarding the impact of noise, light, smoke, fumes, and odors resulting from the RV camping activities shall be subject to local ordinance and public nuisance laws.

(13) *Dust control.* Areas where RVs are parked shall be treated to control fugitive dust particles (i.e., PM-10 requirements), as determined by the Development Services Engineer.

(Ord. 1402, passed 5-6-2014)